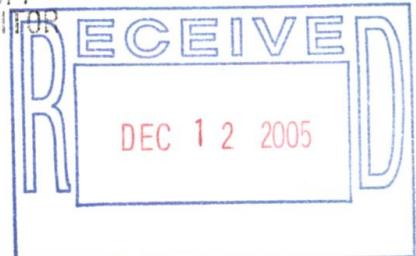


December 9, 2005

2005 DEC 12 AM 11:24

Board of Supervisors
Cedar County
400 Cedar Street
Tipton, IA 52772

BLITZ & GLENNHOFF
CEDAR COUNTY AUDITOR



Board Members:

Please accept this as my resignation from the Cedar County Planning and Zoning Commission. It is my understanding that my term is up at the end of this month and I do not wish to remain on the board.

It has been a pleasure to work with Phil LaRue and other members of the commission. It has proven to be a learning experience, one which I have very much enjoyed.

I again would like to commend Phil LaRue for the manner in which he performs his responsibilities. He is always conscientious and respectful of other peoples time. The meetings are well organized and everyone is prepared. If I may make one recommendation, I would suggest that all future members are committed to their responsibilities. The meetings are the third Wednesday of the month and a commitment is needed for a quorum.

Again, I have enjoyed being on the commission.

Respectfully,



Marty Moylan
1549 King Avenue
Tipton, IA 52772

(563) 886-3074

cc: Phil LaRue



Tel: 563-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR
Cedar County Courthouse

Tipton, Iowa 52772

AGENDA

Cedar County Planning & Zoning Commission

Wednesday, December 21, 2005 – **6:30 p.m.**

Basement, Cedar County Courthouse, Tipton, Iowa

I. Introduction

II. Review of the petition received from:

A. David Geers, Cedar Rapids (Contract Buyer) & Kirk Anderson, RFD, Clarence & Duston Anderson, West Branch (Owners) – A change in zoning from A-1 to R-1 to allow construction of a single family dwelling

III. Conclusion



Tel: 563-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR
Cedar County Courthouse

Tipton, Iowa 52772

December 5, 2005

LEGAL NOTICE

The Cedar County Planning & Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, December 21, 2005, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa.

At this time, the Commission will consider the following petition:

- 1. David Geers, Cedar Rapids (Contract Buyer) and Kirk Anderson, RFD, Clarence and Duston Anderson, RFD, West Branch (Owners)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SW ¼ of the NW ¼, Section 27, T-81N, R-4W, in Cass Township. Said petition is to rezone 1.99 acres of an 18.00 acre tract.

At said Public Hearing, any person present, and so wishing, will be given the opportunity to be heard, for or against, said petition. Any person so wishing may file a document with the Cedar County Zoning Administrator prior to the time of the hearing should the person wish the document to be read for them at the time of the hearing.

Phil La Rue
Zoning Administrator

PL:sl

Copies sent out on 12/5/05 to the following:

1. David Geers - 3645 Bel Air Dr. SE, Cedar Rapids, Iowa 52403 - Certified
2. Duston Anderson - 1660 Charles Avenue, West Branch, Iowa 52358
3. Kirk Anderson - 1507 180th Street, Clarence, Iowa 52216
4. Darrel Brotherson - 1011 Delta Avenue, Tipton, Iowa 52772
5. Jack Crowley - 1038 Delta Avenue, Tipton, Iowa 52772
6. Lucy Hansen - 1004 Delta Avenue, Tipton, Iowa 52772

1 Copy to Tipton Conservative & West Branch Times on 12/5/05

2 File Copies

7 Zoning Commission Members

Bulletin Board Copy

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

December 21, 2005

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, December 21, 2005, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Brown, Quinn, Pruess, Moylan and Schuett. Members absent were Lamp and Voparil.

Chairperson Pruess called the meeting to order at 6:30 p.m. The members then considered the following petition:

- 1. David Geers, Cedar Rapids (Contract Buyer) and Kirk Anderson, RFD, Clarence and Duston Anderson, RFD, West Branch (Owners)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 27, T-81N, R-4W, in Cass Township. Said petition is to rezone 1.99 acres of an 18.00 acre tract.

Zoning Administrator La Rue advised the members to consider this petition in accordance with Chapter 18.2(3) of the Zoning Ordinance in making a recommendation to the Board of Supervisors. He then read a letter of concern received from Chris & Bev Klug and a letter of objection received from John & Carol Crowley & Jack & Patricia Crowley. The Cedar County public hunting ground is more than the required 600' minimal separation distance. It was also noted that at least 60% of the remainder of the ground is in wetland reserve. No development would be allowed in the flood plain area without being in compliance with Chapter 20 of the Zoning Ordinance. The letter received from the County Engineer stated no road concerns and an approved entrance permit is on file. The letter from the Mechanicsville Fire Chief stated they could provide emergency service to the property. The proposed location is not in any flood plain. There are no confinement operations within $\frac{1}{4}$ mile of this site. La Rue also stated his department will have to work with the septic system. The soil evaluation was reviewed. Limitations for septic systems are slight to severe with the severe limitation based upon slope. Limitations for low buildings are slight and limitations for agricultural farm crops are severe. The C.S.R. ranges from 25 to 5. The Comprehensive Plan was reviewed.

Mr. Geer was present and stated he wants to place a mobile home on the property for a few years until he can afford to build a house. He would also like to build a machine shed. He stated the only animals he would have would possibly be cattle on the east 8 acres of the 18 acre tract. There is scattered pasturage in the area. Commission member Brown questioned the 10 mile radius for emergency service and response time between 25 to 30 minutes. Mr. Geer stated he is willing to accept the consequences. Kirk Anderson stated he and Duston still own a strip of

land between Mr. Geer's property and the public hunting ground which they will be retaining. Commission member Moylan questioned if further development is in the plan for the future. It was noted this rezoning is only for 1.99 acres for one single family dwelling. If further development is requested in the future, they would need to come back to the Zoning Commission and Board of Supervisors. It was noted that Mr. Geer and Zoning Administrator La Rue will have something in writing stating the mobile home will be removed within 90 days after the new house is constructed. Mr. Geer would like to live in the mobile home while the new house is being built.

Chairperson Pruess then opened the meeting to comments from the audience. Robert Kuncl, adjoining property owner to the north, stated his concern about R-1 Suburban Residential classification. La Rue informed him how the districts were determined and the difference between the R-1 & R-2 classifications. Mr. Kuncl also expressed concern regarding more houses or mobile homes going in and definition of temporary housing. Jim Kasper, who owns 40 acres across from the property, expressed concern regarding ornate box turtles and other threatened/endangered species in the area and the impacts this home and possible future development would cause. Phil Carls then questioned the policy of farmstead splits. La Rue explained the procedure of splitting off of 40 acre tracts. He stated the second split off a 40 acre tract would require approval of the Board of Supervisors for a subdivision.

Kirk Anderson stated he and Duston bought the property from their deceased grandfather Morris Walker. He stated they used the area for recreational purposes, do not farm it and it can not be in CRP. He then stated they sold to Mr. Geer because they wanted to hand select the buyer and did not advertise. La Rue stated the Commission can recommend there be only one home on the property. A brief discussion was held regarding the future land use plan.

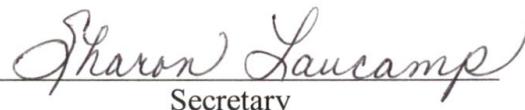
After further discussion, Quinn made a motion to approve the rezoning request with a contingency stipulation of only one home on the 18 acre tract be allowed. Moylan seconded the motion. Ayes four with Brown voting nay.

Minutes from the previous meeting held on November 16, 2005, were previously sent to the members. Moylan made a motion to approve the minutes as written. Schuett seconded the motion. Ayes all.

With no further business to be discussed at this time, the meeting was adjourned.



Chairperson



Secretary

LEGAL NOTICE

The Cedar County Board of Supervisors will be conducting a Public Hearing on December 12 and 15, 2005, at 10:30 a.m., in the Board Meeting Room of the Courthouse, Tipton, Iowa.

At this time, the Board will consider the following petition:

1. **Dennis and Lynne Treimer, RFD, Tipton (Owners)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of single family dwellings on a proposed subdivision located in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 36, T-80N, R-3W, in Rochester Township, consisting of 21.00 acres more or less.

At said Public Hearing, any person present, and so wishing, will be given the opportunity to be heard. However, the Board does request, but does not require, that any person speaking, briefly document or outline the statement and place on file. Time will be allowed during the hearing for a person to prepare such documentation if such time is needed. Any persons wishing a statement read into the hearing for them may file same with the County Auditor prior to the time of the hearing.

BETTY ELLERHOFF
Cedar County Auditor

Copies sent out on 11/22/05 to the following:

1. Dennis & Lynne Treimer - 964 270th Street, Tipton, Iowa 52772 - Certified
2. Thomas & Juanita Hearst - 1200 Cemetery Road, Tipton, Iowa 52772
3. Susan Evers - MMS Consultants, Inc., 1917 S. Gilbert Street, Iowa City, Iowa 52240
4. Richard Kordick - 689 185th Street, Tipton, Iowa 52772
5. LuVerne & Shirley Meyer - 1771 Highway #38, Tipton, Iowa 52772
6. Robert & Betty Thumma - 1833 Highway #38, Tipton, Iowa 52772
7. Keith & Marsha Ann Schulty - 1804 Highway #38, Tipton, Iowa 52772
8. Larry Ballenger - 2098 220th Street, Bennett, Iowa 52721
9. Stacy & Tiffany Meinert - 1776 Highway #38, Tipton, Iowa 52772
10. Barbara & Michael Williams - 1770 Highway #38, Tipton, Iowa 52772
11. Benjamin & Tanya Sterner - 1812 Highway #38, Tipton, Iowa 52772
12. Gary & Margaret Witmer - 1808 Highway #38, Tipton, Iowa 52772
13. Norman & Marilyn Kotz - 116 Elizabeth Drive, Tipton, Iowa 52772
14. Ruby Streets - 204 Cookson Drive, West Branch, Iowa 52358
15. Larry Streets - 2394 Baker Avenue, West Branch, Iowa 52358
16. Ruel & Janet Wehde - 300 E. 9th Street, Tipton, Iowa 52772

1 copy to Tipton Conservative on 11/21/05

Copy e-mailed to B of S on 11/21/05

Bulletin board copy

2 File Copies

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

November 16, 2005

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, November 16, 2005, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Schuett, Moylan, Pruess, Quinn, Brown and Lamp. Member absent was Voparil.

Chairperson Pruess called the meeting to order at 6:30 p.m. The members then considered the following petition:

1. **Dennis and Lynne Treimer, RFD, Tipton (Owners)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of single family dwellings on a proposed subdivision located in the SE ¼ of the SE ¼, Section 36, T-80N, R-3W, in Rochester Township, consisting of 21.00 acres more or less.

Zoning Administrator La Rue informed the members there were no written objections on file. He also reported he had received information regarding soil evaluations from Paul VanDorp, I.D.N.R.

Chairperson Pruess requested a motion from the commission members to untable this petition request from the last meeting date. Lamp made a motion, with Quinn seconding, to untable the petition. Ayes all.

Tom Hearst was present and informed the members he was acting as Dennis Treimer's agent. He stated they had been in contact with the I.D.O.T., the schools, the postal service and the pipeline company. He stated the fence agreement will stand as is. The soil evaluation was also completed.

La Rue stated information was provided to him from Sheila Lee, Engineering Operations Technician from the I.D.O.T. which stated the access at the location discussed, IA38 station 1505+73 West side, would be possible with a special access connection permit, provided it meets policy. It stated when they receive the plan with the access details, she will prepare a permit for their signature, Mr. Treimer's and also Mr. La Rue's. The reason for the special access permit is because it will be more than an agricultural driveway and will be upgraded to a residential access. The driveway will go along the pipeline. Glen Meisner, M.M.S. Consultants, informed the members that the driveway was moved north of the pipeline which avoids the pipeline and matches up with the driveway on the east side of the highway. La Rue stated the soil evaluation confirmed there would be a seasonal high water table on some of the lots. He stated the letter received from Michael Barker, Soil Scientist, M.M.S. Consultants, stated if the area chosen for the wastewater system on Lots 1, 2, 7 & 8 has a seasonally high water

table nearer the surface than the preliminary data indicates, an alternative type of wastewater system will be necessary. For Lots 4, 5, 6, 9 & 10, he noted the soils can be subject to flooding and the secondary treatment fields will need to be located on the Lindley soils. He also noted an alternative or mechanical wastewater treatment system will be needed on Lots 11 & 12. La Rue stated if there are flood plain soils on the property, they will be required to comply with Chapter 20 pertaining to flood plain development. Glen Meisner stated any floodway area will be put on the final plat. La Rue then reported the letter received from Paul VanDorpe, I.D.N.R., stated Devonian aquifer bedrock is at the surface. La Rue stated the top soil has eroded away over the years exposing subsoils which results in a much lower C.S.R. He also stated, with the Devonian aquifer being so close, there is a possibility of near surface contamination, and the best yielding portion of the aquifer would be the Silurian aquifer. La Rue stated Paul VanDorpe recommended the casing be set, and full-length grouted, to the lowermost, highly productive portion of the Silurian aquifer.

Mr. Meisner informed the members there will be two wells drilled for the proposed subdivision. Commission member Brown then questioned the floodplain drainage area and stated concern regarding enough room for septic systems on the smaller lots. Mr. Meisner stated, in his opinion, there would be enough room and informed the members soil tests had been done with soil boring machines which indicated the soils were fine for conventional septic systems with the exception of Lots 11 & 12.

La Rue stated additional information will be needed with more detailed evaluation on each lot prior to issuance of a construction permit or septic system permit. He also stated the subdivision ordinance requires the lot size be adequate for two septic systems. Commission member Moylan questioned the school bus pick up situation. It was stated that generally the bus does not want to go off the road. Mr. Hearst stated school buses usually stop on the edge of a subdivision and do not go into it. Mail delivery was also discussed. Mr. Meisner stated they had been in contact with the postal service and were informed the site would require a concrete pad with mail boxes for mail delivery and the location would be on the northwest quadrant of Highway 38 at the cost of the developer.

The meeting was then opened to the public for their input. First to speak was LuVerne Meyer, adjoining property owner, who questioned the minimum lot size to build a house in Cedar County. La Rue answered stating a minimum of one acre is required and suggests more to allow adequate room for two septic systems. Mr. Meyer stated he doesn't think the property can support that many septic systems. La Rue stated with the soils in Cedar County, one acre is generally adequate for one to two septic systems. Mr. Meyer also expressed concern about more traffic and sex offenders locating in this area. Stacey Meinert, property owner to the east of the proposed development, expressed concern about the septic systems and stated he may plan to put calves on his lot in the future. He stated the creek is his water supply for

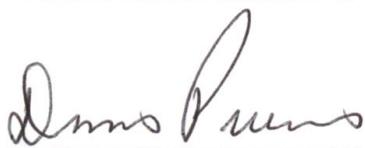
the livestock. He feels something will go wrong when twelve septic systems are installed on the same amount of property he has with one septic system. He stated concern regarding the creek getting polluted. Discussion continued at length regarding possible problems caused by this development concerning water supply, flooding/damning of the creek, livestock & septic systems. La Rue stated they will work for safety and welfare. Mr. Meisner stated he is recommending the developer have a policy to have the septic tanks be pumped out every three years. Mr. Meisner also stated, according to the I.D.N.R.'s report, the aquifer has the ability to pump 100 – 300 gallons per minute. Keith Schulty, adjoining property owner, questioned how wide the driveway to the subdivision will be and where in proximity to his driveway. Mr. Hearst stated they will meet the D.O.T.'s regulations of the width of the driveway, angle, slope and grading. Mr. Schulty then expressed concern regarding the current location of his mailbox. The U.S. Postal Service will decide where the mailboxes will be placed. Commission member Moylan questioned how long the petitioner felt the project would be completed. Mr. Meisner stated they may do the subdivision in phases and would do the five lots first and see what happens. Mr. Treimer stated the ground on the north side does not come out of CRP until 2008 so they would probably not develop it until after that date. Tiffany Meinert stated they were informed by the school that in inclement weather the school bus will not stop to pick up their children and it is their responsibility to get their children to school. She stated concern about the traffic and the children's safety. Commission member Brown stated the children's safety is his main concern. Larry Streets was present and stated he owns the ground to the north of the proposed subdivision. He stated that he is neutral on this request. Mr. Hearst then stated, regarding the safety issue, the driveway they intend to put in is three-tenths of a mile to the top of the hill going to the south and feels there is plenty of vision. He stated they have made an offer to the school to make an offset in the driveway so they could pull off or come into the development and would be willing to put in a cul-de-sac for a turn around. He also stated the school wants to stay on the highway.

Chairperson Pruess then asked for additional comments from the commission members. Commission member Brown stated, from the criteria they have, they would encourage development in this area but because of the situation regarding the bus stopping on the highway and drainage coming through the property with septic systems, he has some real questions. Mr. Treimer stated the water in the creek is only run-off water and the creek is deep. Mr. Hearst stated the creek is 100 feet down from any house. Larry Streets informed the members that, except in heavy rains, there is very little tile fed into the creek which drains quite a few acres. He stated there is always a small amount of water in the creek and the continuous water comes up out of the ground. Mr. Meisner stated when he walked the creek with Mr. Hearst and Mr. Treimer, there was quite an elevation difference between the proposed houses and the bottom of the creek. Commission member Lamp

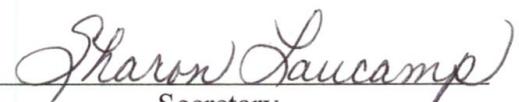
then stated it is their job to make a recommendation to the Board of Supervisors based on the information they have. He then made a motion to recommend approval to the Board of Supervisors of the rezoning request. Quinn seconded the motion based on the fact it does meet all the requirements of the state. Pruess stated his concern was the school children's safety. Adjoining neighbors expressed their opinions regarding same. After further discussion, the Commission then held a vote. Five ayes with Brown voting nay.

Minutes from the previous meeting held on October 19, 2005, were previously sent to the members. Moylan made a motion to approve the minutes as written. Schuett seconded the motion. Ayes all.

With no further business to be discussed at this time, the meeting was adjourned.



Dennis Pruess
Chairperson



Sharon Laucamp
Secretary



Tel: 563-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR
Cedar County Courthouse

Tipton, Iowa 52772

November 7, 2005

LEGAL NOTICE

The Cedar County Planning & Zoning Commission has been petitioned to conduct as Public Hearing on Wednesday, November 16, 2005, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa.

At this time, the Commission will consider the following petition:

1. **Dennis and Lynne Treimer, RFD, Tipton (Owners)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of single family dwellings on a proposed subdivision located in the SE ¼ of the SE ¼, Section 36, T-80N, R-3W, in Rochester Township, consisting of 21.00 acres more or less.

At said Public Hearing, any person present, and so wishing, will be given the opportunity to be heard, for or against, said petition. Any person so wishing may file a document with the Cedar County Zoning Administrator prior to the time of the hearing should the person wish the document to be read for them at the time of the hearing.



Phil La Rue
Zoning Administrator

PL:sl

Copies sent out on 11/7/05 to the following:

1. Dennis & Lynne Treimer - 964 270th Street, Tipton, Iowa 52772 - Certified
2. Thomas & Juanita Hearst - 1200 Cemetery Road, Tipton, Iowa 52772
3. Susan Evers - MMS Consultants, Inc., 1917 S. Gilbert Street, Iowa City, Iowa 52240
4. Richard Kordick - 689 185th Street, Tipton, Iowa 52772
5. LuVerne & Shirley Meyer - 1771 Highway #38, Tipton, Iowa 52772
6. Robert & Betty Thumma - 1833 Highway #38, Tipton, Iowa 52772
7. Keith & Marsha Ann Schulty - 1804 Highway #38, Tipton, Iowa 52772
8. Larry Ballenger - 2098 220th Street, Bennett, Iowa 52721
9. Stacy & Tiffany Meinert - 1776 Highway #38, Tipton, Iowa 52772
10. Barbara & Michael Williams - 1770 Highway #38, Tipton, Iowa 52772
11. Benjamin & Tanya Sterner - 1812 Highway #38, Tipton, Iowa 52772
12. Gary & Margaret Witmer - 1808 Highway #38, Tipton, Iowa 52772
13. Norman & Marilyn Kotz - 116 Elizabeth Drive, Tipton, Iowa 52772
14. Ruby Streets - 204 Cookson Drive, West Branch, Iowa 52358
15. Larry Streets - 2394 Baker Avenue, West Branch, Iowa 52358
16. Ruel & Janet Wehde - 300 E. 9th Street, Tipton, Iowa 52772

Copy to Tipton Conservative on 11/7/05

2 File Copies

Bulletin Board Copy

7 Zoning Commission Members



Tel: 563-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR
Cedar County Courthouse

Tipton, Iowa 52772

AGENDA

Cedar County Planning & Zoning Commission

Wednesday, November 16, 2005 – **6:30 p.m.**

Basement, Cedar County Courthouse, Tipton, Iowa

I. Introduction

II. Review of the petitions received from:

- A. Dennis & Lynne Treimer, RFD, Tipton (Owners) -
A change in zoning from A-1 to R-1 to allow
construction of single family dwellings on a
proposed subdivision

III. Conclusion

LEGAL NOTICE

The Cedar County Board of Supervisors will be conducting a Public Hearing on November 3 & 7, at 10:00 a.m., in the Board Meeting Room of the Courthouse, Tipton, Iowa.

At this time, the Board will consider the following petitions:

- 1. Scott Elder, North Liberty (Contract Buyer) and Stanley and Betty Elder, RFD, West Liberty (Owners)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of a single family dwelling on property located in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 25, T-79N, R-4W, in Springdale Township, consisting of 3.00 acres more or less.
- 2. Martin and Jaleda Schminkey and Donald and JoAnn Schminkey, RFD, Olin (Owners)** – Requesting a conditional change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing placement of a manufactured home on a farmstead where there is an existing home on property located in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 1, T-82N, R-3W, in Fremont Township. Said petition is to rezone 1.00 acres of a 16.67 acre tract.
- 3. Dean Wood, Anamosa (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing single family dwellings on Oakridge Estates Second Addition, a portion of which lies in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 10, T-80N, R-3W, in Center West Township on property consisting of 21.98 acres more or less.

At said Public Hearing, any person present, and so wishing, will be given the opportunity to be heard. However, the Board does request, but does not require, that any person speaking, briefly document or outline the statement and place on file. Time will be allowed during the hearing for a person to prepare such documentation if such time is needed. Any persons wishing a statement read into the hearing for them may file same with the County Auditor prior to the time of the hearing.

BETTY ELLERHOFF
Cedar County Auditor

Copies sent out on 10/25/05 to the following:

1. Scott Elder - 55 Augusta Court, North Liberty, Iowa 52317 - Certified
2. Stanley & Betty Elder - 2253 Garfield Avenue, West Liberty, Iowa 52776
3. Vernon Smith - 2309 Franklin Avenue, West Liberty, Iowa 52317

1. Martin & Jaleda Schminkey - 1194 Cedar Jones Road, Olin, Iowa 52320 - Certified
2. Lois Fisher - 217 Highway 30 West, Mt. Vernon, Iowa 52314
3. Vernon Barker Janes & Billie Hair - 1469 Jones Lane, Paradise, CA 95969

1. Ronald Dean Wood - 9941 Forest Chapel Road, Anamosa, Iowa 52205 - Certified
2. Jerald D. O'Rourke - 101 West 3rd Street, Tipton, Iowa 52772
3. Lloyd P. & Arlene Hein - 1376 Jackson Avenue, Tipton, Iowa 52772
4. Douglas W. & Donna Moore - 573 SE 80th Avenue, Ellinwood, KS 67526-9225
5. Don Lamp - P.O. Box 422, Tipton, Iowa 52772
6. Richard Kordick - 689 185th Street, Tipton, Iowa 52772

1 Copy to Tipton Conservative on 10/24/05
E-mailed copy to Bev Penningroth for Board of Supervisors
2 File Copies
Bulletin Board Copy

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

October 19, 2005

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, October 19, 2005, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Moylan, Schuett, Voparil and Brown. Members absent were Lamp, Pruess and Quinn.

Chairperson Pro-tem Brown called the meeting to order at 6:30 p.m. The members then considered the following petitions:

- 1. Scott Elder, North Liberty (Contract Buyer) and Stanley and Betty Elder, RFD, West Liberty (Owners)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of a single family dwelling on property located in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 25, T-79N, R-4W, in Springdale Township, consisting of 3.00 acres more or less.

Zoning Administrator La Rue informed the members there were no written or verbal objections on file and advised them to consider this petition in accordance with Chapter 18.2 of the Zoning Ordinance.

Scott Elder was present and stated their intentions are to build a single family dwelling and informed the members they chose this location because of the view, closeness to highway and privacy from the highway. The letter from the County Engineer stated no objections and an approved entrance permit is on file. The letter from the West Liberty Fire Department stated they can provide fire and rescue services to the property. The soils inventory was reviewed. Limitations for septic tank disposal fields were slight to moderate. Foundations for low buildings limitations were moderate. Agricultural farm crops limitations were slight to moderate. The C.S.R. is 90 points. La Rue stated prime farm land is considered 75 points or higher according to the Zoning Ordinance. There are residential properties in this area which have been divided off farms, and along Garfield Avenue, there are three zoned R-1 residences. There are no livestock facilities within one-quarter mile of 500 to 1,250 head and no livestock confinements over 1,250 head within a half-mile.

Mr. Elder stated the three acres is part of the family farm. La Rue stated the Comprehensive Plan does discourage scattered residential development. The property is approximately three miles from West Liberty and is currently being rented. Mr. Elder stated they are very aware of farm situations. Mr. Elder's grandmother was present and stated they have had the property for 59 years.

After a brief discussion, Moylan made a motion to recommend approval of the change in zoning from A-1 to R-1. Voparil seconded the motion. Ayes 3 with Brown voting nay.

2. **Martin and Jaleda Schminkey and Donald and JoAnn Schminkey, RFD, Olin (Owners)** – Requesting a conditional change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing placement of a manufactured home on a farmstead where there is an existing home on property located in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 1, T-82N, R-3W, in Fremont Township. Said petition is to rezone 1.00 acres of a 16.67 acre tract.

Martin Schminkey informed the members their plan is to put a mobile home on the property for the remainder of his parents' lives. He stated he and his wife are taking care of his parents. He informed the members his mother is scheduled to have knee surgery. He stated they currently live in a very old farm house and his mother can not maneuver the stairs. The option of building on an addition was cost prohibitive. He stated if they put the mobile home on the property, his parents would be close to care for them. He informed the members it is a conditional rezoning request and stated he would like it rezoned back to A-1 when his parents are no longer living.

The letter from the Stanwood Fire Department stated they can provide fire and rescue services to the property. Mr. Schminkey stated a new septic system will be installed. The letter from the County Engineer stated he has no concerns and an approved entrance permit is on file. The existing entrance can be utilized to serve the proposed request. La Rue stated he has prepared a Conditional Zoning Agreement for the Schminkey's. Soil evaluation was reviewed. Limitations for septic systems are slight to moderate. There is a possibility of a high water table in this area. Limitations for low buildings are slight to moderate and limitations for agricultural farm crops are slight. The C.S.R. is 93 points. However, the property is not being farmed and is not in production. No separate survey will be needed for the one acre.

Schuett then made a motion to recommend approval of the rezoning request from A-1 to R-1 to the Board of Supervisors. Voparil seconded the motion. Ayes all.

3. **Thomas and Juanita Hearst, RFD, Tipton (Contract Buyers) and Dennis and Lynne Treimer, RFD, Tipton (Owners)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of single family dwellings on a proposed subdivision located in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 36, T-80N, R-3W, in Rochester Township, consisting of 21.00 acres more or less.

Zoning Administrator La Rue informed the members and audience that there is a correction regarding the owners of this property. Mr. and Mrs. Treimer are the sole owners of the property and not Mr. & Mrs. Hearst. He informed the members there were no written objections on file and advised the Commission to consider this petition in accordance with Chapter 18.2 of the Zoning Ordinance. He stated there were a couple of verbal objections.

Mr. Treimer stated they have a four acre field with timber around it and would like to develop it into five building lots. He stated there will be a central well for the five lots. He stated he did not see where someone else would want to pull into a four acre lot to farm it. He felt this was the best way for Cedar County to get the tax revenue. Susan Evers, MMS Consultants, stated the future plan is to develop additional lots on the remaining acres. She stated this is a phased project and is preliminary at this point. The letter from the County Engineer stated an approved entrance permit must be acquired from the Iowa Department of Transportation since it is located on Highway 38. The letter from Sheila Lee, I.D.O.T., stated the type of access requires a special access connection permit. It also stated if the access would serve more than one property, the plans would have to be reviewed by their Traffic and Safety Office to determine if modifications to the highway would be required to safely handle turning movements. Ms. Evers stated she had met with Sheila Lee at the site and discussed whether there would be enough site distance from the north and will need to stay 50 feet off Parcel A. She stated Highway 38, in this area, is considered priority 5 which allows one access per 1,000 feet. Ms. Lee's letter stated she felt the best access location would be across from an existing access. Ms. Evers stated the plans have been submitted to traffic and safety for review. She stated the second access to the north is only an option. The soil evaluation was reviewed. Limitations for septic systems are moderate to severe with severe limitations due to areas that have high water tables, areas that are heavily eroded with marginal percolation rates and areas of slope. Foundations for low buildings limitations are slight, moderate and severe. The severe limitations are limited to along the creek. Agricultural farm crops limitations are slight to severe with slight limitations only if extensive tiling is done. La Rue stated the C.S.R. on this property is definitely below 75 points. He also stated there are residential homes to the east of the property. It was noted that some of the property appears to be in a flood plain. La Rue stated they will have to comply with Chapter 20 of the Zoning Ordinance pertaining to flood plains. He stated if this gets to the platting stage, an engineering firm will have to do some evaluation to determine benchmarks of the 100 year flood plain. He also stated if it is their opinion that it is not in a flood plain, they can petition F.E.M.A. to remove it from the flood maps. Tom Hearst stated no houses will be built in the flood plain area. The lot sizes were

then discussed. La Rue informed the members that they are smaller lots but they do comply with the lot size requirements. MMS Consultants will do soil evaluations and make recommendations for lot size based upon their evaluation. They will also make recommendations regarding the septic systems. Two community wells will supply the subdivision and separate waste water systems will be installed on the lots. La Rue stated he does not anticipate any problems with aquifer drawdown by either well. Road surfacing was next discussed. Mr. Treimer stated he would prefer concrete. Bus pickup was questioned and a possible school bus turn around was suggested. Marsha Schulty, neighbor to the east, questioned the proposed access. She is concerned about where she currently gets her mail which is located at the access site. LaVern Meyer adjoining property owner, expressed his desire for quietness and privacy. He also stated he has intentions to put calves on his 6 acre lot. He stated he would like a buffer zone planted along his property. He also expressed concern about how much water will be drawn and if there would be a problem. Tom Hearst stated his wells in his subdivision are approximately 250 feet deep. The neighbor who purchased the Streets place, also stated his concern regarding peace and tranquility. Commission member Moylan stated that the commission is encouraging clustering of homes, especially along hard surfaced roads. The proposal of this subdivision is for 12 lots on 21 acres. Mr. Treimer stated he does not intend to do more lots in the future at this time. Keith Schulty expressed his concern about the traffic on Highway 38 and the water table. Stacey Meinert, who rezoned adjoining property two years ago, expressed his concern about more subdivisions coming in. He stated he is 100% against the request and is also concerned about the amount of traffic. The neighbors stated their main concern is safety. Bob Thumma, neighbor to the south of proposed rezoning tract, inquired about the requirements regarding livestock. He stated he does not plan on constructing any confinements, but the next owner may want to do so and wondered if it would be ruled out. La Rue stated it would depend upon what the operation is, how many head of livestock and where it would be placed. He informed Mr. Thumma that the state legislators have made it clear that counties do not have much of a role in deciding livestock operation locations. Home review has been taken away from the county. He was informed that no residences can be built within one-quarter of a mile from a livestock operation of more than 500 head. La Rue informed Mr. Thumma the Department of Natural Resources, through the Manure Management and the Master Matrix, would have to make the determinations. Marsha Schulty questioned what type of houses will be built in the proposed subdivision. She was informed that they will be similar to the houses in Mr. Hearst's subdivision. Covenants will also be followed.

After further discussion, the Commission members felt that they need more information from the D.O.T. before making a decision. La Rue stated they could table this petition until the D.O.T. made a ruling. The Commission

could ask for a continuance from a basis of public safety and have the petitioners find out information regarding the post office requirements. Mailbox locations had not been previously discussed. Susan Evers Suggested waiting to see what Sheila Lee, I.D.O.T., has to say before a traffic study is performed. Commission member Brown suggested the Commission table this request until further study can be done regarding the traffic. La Rue stated this would also give time for MMS Consultants to take a look at the water supply also. He stated he likes the idea of clustered wells rather than 12 individual wells.

After further discussion, Voparil made a motion to table the petition until the next meeting date to allow MMS to find out information regarding mailbox location, possible second driveway, traffic count and a proposed buffer between the proposed subdivision and LuVerne Meyer. Moylan seconded the motion. Ayes all.

4. **Dean Wood, Anamosa (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing single family dwellings on Oakridge Estates Second Addition, a portion of which lies in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 10, T-80N, R-3W, in Center West Township on property consisting of 21.98 acres more or less.

La Rue stated there were no written or verbal objections on file and advised the members to consider this petition in accordance with Chapter 18.2 of the Zoning Ordinance. The letter from the County Engineer stated an approved entrance permit is on file from Oakridge Estates, First Addition, and the existing entrance can be utilized for the expansion of the major subdivision. The Resolution from the City of Tipton was received approving the Preliminary Plat. The letter from the Tipton Fire Department had previously been received for the First Addition. La Rue stated that a considerable number of acres were rezoned in the adjoining section and feels this would be a reasonable extension. It appears the property is not in a flood plain. Soil inventory was reviewed. Limitations for septic systems were slight to severe with severe limitations due to slope. Foundations for low buildings limitations were moderate. The C.S.R. averages to be below 75 points.

Dean Wood then informed the members this property is behind Lloyd Hein's farm which is mostly timber. He stated Mr. Hein approached him to purchase the property since there was no access to the timber. La Rue stated he had been contacted by Jerry O'Rourke, adjoining property owner to the north, whose main concern was he wanted a good fence agreement. Mr. Wood stated he will put in all new fences and the homeowner's association will maintain the fence agreement. This property lays north and west behind the current Oakridge Estates, First Addition Subdivision. La Rue stated the future land use map clearly indicates this is an area where there will be development and growth and is on a hard surfaced road.

After a brief discussion, Moylan made a motion to approve the change in zoning from A-1 to R-1 for the purpose of constructing single family dwellings on Oakridge Estates, Second Addition. Schuett seconded the motion. Ayes all.

Minutes from the previous meeting held on August 17, 2005, were previously sent to the members. Moylan made a motion to approve the minutes as written. Voparil seconded the motion. Ayes all.

The Commission members next held a brief discussion on wind generators. La Rue stated he has been asked by a number of people who are interested in placing wind generators in Cedar County. He stated he would like to address this issue as a zoning ordinance amendment rather than a new ordinance. He stated he would like to review the information he had received from Cerro Gordo County. He informed the members that the commission will have to respond to people who are worried about how wind generators may adversely affect migratory bird patterns and wind currents. He wanted to discuss with the members the setback table. He stated Cerro Gordo County is using a rotor diameter. He questioned whether Cedar County would want to use the same or an overall height. The members were in favor of the rotor diameter setback. The members suggested La Rue pursue the matter.

With no further business to be discussed at this time, the meeting was adjourned.

Joel Brown
Chairperson Pro-tem

Sharon Lautcamp
Secretary

Aug. 22.
1. C. 10, 12.05

Zoning

The Cedar county planning and zoning commission has been petitioned to conduct a public hearing at 6:30 p.m. Wednesday, Oct. 19 in the large meeting room in the basement of the Cedar county courthouse in Tipton.

The Commission will consider the following petitions:

1) **Scott Elder, North Liberty (Contract Buyer) and Stanley and Betty Elder, RFD, West Liberty (Owners)** - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of a single family dwelling on property located in the SW-1/4 of the SE-1/4, Section 25, T-79N, R-4W, in Springdale Township, consisting of 3.00 acres more or less.

2) **Martin and Jaleda Schminkey and Donald and Joann Schminkey, RFD, Olin (Owners)** - Requesting a conditional change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing place-

ment of a manufactured home on a farmstead where there is an existing home on property located in the NE-1/4 of the NE-1/4, Section 1, T-82N, R-3W, in Fremont Township. Said petition is to rezone 1.00 acre of a 16.67 acre tract.

3) **Thomas and Juanita Hearst, RFD, Tipton (Contract Buyers) and Dennis and Lynne Trimmer, RFD, Tipton (Owners)** - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of single family dwellings on a proposed subdivision located in the SE-1/4 of the SE-1/4, Section 36, T-80N, R-3W, in Rochester Township, consisting of 21.00 acres more or less.

4) **Dean Wood, Anamosa (Owner)** - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing single family dwellings on Oakridge Estates Second Addition, a portion of which lies in the SE-1/4 of the NE-1/4, Section 10, T-80N, R-3W, in Center West Township on property consisting of 21.98 acres more or less.

At the public hearing everyone will be given the opportunity to be heard, for or against, the petitions. Anyone may file a document with the Cedar county zoning administrator prior to the hearing if they want the document to be read at the hearing.



Tel: 563-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR
Cedar County Courthouse

Tipton, Iowa 52772

AGENDA

Cedar County Planning & Zoning Commission

Wednesday, October 19, 2005 – **6:30 p.m.**

Basement, Cedar County Courthouse, Tipton, Iowa

I. Introduction

II. Review of the petitions received from:

- A. Scott Elder, North Liberty (Contract Buyer) & Stanley & Betty Elder, RFD, West Liberty (Owners) – A change in zoning from A-1 to R-1 to allow construction of a single family dwelling**
- B. Martin & Jaleda Schminkey and Donald & Joann Schminkey, RFD, Olin (Owners) – A conditional change in zoning from A-1 to R-1 to allow placement of a manufactured home on a farmstead where there is an existing home**
- C. Thomas & Juanita Hearst, RFD, Tipton (Contract Buyers) and Dennis & Lynne Treimer, RFD, Tipton (Owners) – A change in zoning from A-1 to R-1 to allow construction of single family dwellings on a proposed subdivision**
- D. Dean Wood, Anamosa (Owner) – A change in zoning from A-1 to R-1 to allow construction of single family dwellings on Oakridge Estates Second Addition**

III. Discussion regarding possible amendment to Zoning Ordinance pertaining to wind generators/turbines

IV. Conclusion



Tel: 563-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR
Cedar County Courthouse

Tipton, Iowa 52772

October 10, 2005

LEGAL NOTICE

The Cedar County Planning & Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, October 19, 2005, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa.

At this time, the Commission will consider the following petitions:

- 1. Scott Elder, North Liberty (Contract Buyer) and Stanley and Betty Elder, RFD, West Liberty (Owners)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of a single family dwelling on property located in the SW ¼ of the SE ¼, Section 25, T-79N, R-4W, in Springdale Township, consisting of 3.00 acres more or less.
- 2. Martin and Jaleda Schminkey and Donald and Joann Schminkey, RFD, Olin (Owners)** – Requesting a conditional change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing placement of a manufactured home on a farmstead where there is an existing home on property located in the NE ¼ of the NE ¼, Section 1, T-82N, R-3W, in Fremont Township. Said petition is to rezone 1.00 acres of a 16.67 acre tract.
- 3. Thomas and Juanita Hearst, RFD, Tipton (Contract Buyers) and Dennis and Lynne Treimer, RFD, Tipton (Owners)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of single family dwellings on a proposed subdivision located in the SE ¼ of the SE ¼, Section 36, T-80N, R-3W, in Rochester Township, consisting of 21.00 acres more or less.
- 4. Dean Wood, Anamosa (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing single family dwellings on Oakridge Estates Second Addition, a portion of which lies in the SE ¼ of the NE ¼, Section 10, T-80N, R-3W, in Center West Township on property consisting of 21.98 acres more or less.

Copies sent out on 10/12/05 to the following:

1. Scott Elder - 55 Augusta Court, North Liberty, Iowa 52317 - Certified
2. Stanley & Betty Elder - 2253 Garfield Avenue, West Liberty, Iowa 52776
3. Vernon Smith - 2309 Franklin Avenue, West Liberty, Iowa 52317

1. Martin & Jaleda Schminkey - 1194 Cedar Jones Road, Olin, Iowa 52320 - Certified
2. Lois Fisher - 217 Highway 30 West, Mt. Vernon, Iowa 52314
3. Vernon Barker Janes & Billie Hair - 1469 Jones Lane, Paradise, CA 95969

1. Thomas & Juanita Hearst - 1200 Cemetery Road, Tipton, Iowa 52772 - Certified
2. Dennis & Lynne Treimer - 964 270th Street, Tipton, Iowa 52772
3. Susan Evers - MMS Consultants, Inc., 1917 S. Gilbert Street, Iowa City, IA 52240
4. Richard Kordick - 689 185th Street, Tipton, Iowa 52772
5. LuVerne & Shirley Meyer - 1771 Highway #38, Tipton, Iowa 52772
6. Robert & Betty Thumma - 1833 Highway #38, Tipton, Iowa 52772
7. Keith & Marsha Ann Schulty - 1804 Highway #38, Tipton, Iowa 52772
8. Larry Ballenger - 2098 220th Street, Bennett, Iowa 52721
9. Stacy & Tiffany Meinert - 1776 Highway #38, Tipton, Iowa 52772
10. Barbara & Michael Williams - 1770 Highway #38, Tipton, Iowa 52772
11. Benjamin & Tanya Sterner - 1812 Highway 38, Tipton, Iowa 52772
12. Gary & Margaret Witmer - 1808 Highway #38, Tipton, Iowa 52772
13. Norman & Marilyn Kotz - 116 Elizabeth Drive, Tipton, Iowa 52772
14. Ruby Streets - 204 Cookson Drive, West Branch, Iowa 52358
15. Larry Streets - 2394 Baker Avenue, West Branch, Iowa 52358
16. Ruel & Janet Wehde - 300 E. 9th Street, Tipton, Iowa 52772

1. Ronald Dean Wood - 9941 Forest Chapel Road, Anamosa, Iowa 52205 - Certified
2. Jerald D. O'Rourke - 101 West 3rd Street, Tipton, Iowa 52772
3. Lloyd P. & Arlene Hein - 1376 Jackson Avenue, Tipton, Iowa 52772
4. Douglas W. & Donna Moore - 573 SE 80th Avenue, Ellinwood, KS 67526-9225
5. Don Lamp - P.O. Box 422, Tipton, Iowa 52772

At said Public Hearing, any person present, and so wishing, will be given the opportunity to be heard, for or against, said petitions. Any person so wishing may file a document with the Cedar County Zoning Administrator prior to the time of the hearing should the person wish the document to be read for them at the time of the hearing.



Phil La Rue
Zoning Administrator

PL:sl



Tel: 563-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR
Cedar County Courthouse

Tipton, Iowa 52772

September 9, 2005

TO: CEDAR COUNTY PLANNING & ZONING COMMISSION MEMBERS

I am writing to remind you that there will not be a meeting of the Planning and Zoning Commission during the month of September.

Sincerely,

Phil La Rue
Zoning Administrator

PL:sl

LEGAL NOTICE

The Cedar County Board of Supervisors will be conducting a Public Hearing on September 8 & 12, 2005, at 10:30 a.m., in the Board Meeting Room of the Courthouse, Tipton, Iowa.

At this time, the Board will consider the following petitions:

1. **Pond View Acres LLC, Tipton (Owners)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of single family dwellings on a proposed twenty six (26) lot subdivision, Pond View Acres, Part V, on property located in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 14, T-79N, R-2W, in Sugar Creek Township, consisting of 64 acres more or less.
2. **Casey Boyd, Coralville (Contract Buyer) and Leota Connor (Owner)** – Requesting a change in zoning from A-1 Agricultural to C-2 Highway Commercial for the purpose of allowing commercial development on property located in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 17, T-79N, R-2W, in Rochester Township, consisting of 32.70 acres more or less.

At said Public Hearing, any person present, and so wishing, will be given the opportunity to be heard. However, the Board does request, but does not require, that any person speaking, briefly document or outline the statement and place on file. Time will be allowed during the hearing for a person to prepare such documentation if such time is needed. Any persons wishing a statement read into the hearing for them may file same with the County Auditor prior to the time of the hearing.

BETTY ELLERHOFF
Cedar County Auditor

Copies sent out on 8/22/05 to the following:

1. Pond View Acres, LLC - 319 Cedar Street, Tipton, Iowa 52772 - Certified
2. Richard Kordick - 689 185th Street, Tipton, Iowa 52772
3. Charles H. Frymoyer - 1232 300th Street, Tipton, Iowa 52772
4. Steven Westrold - I.D.O.T., Right-of-Way Office, 800 Lincolnway, Ames, Iowa 50010
5. Leona H. Wilkins Rev. Trust - 1407 Washington Avenue, Bennett, Iowa 52721
6. Mark & Kimberly Washburn - 519 Walnut Street, Wilton, Iowa 52778
7. Brett & Nicole Jackson - 417 Rose Avenue, Wilton, Iowa 52778
8. William & Dawn Yohe - 3880 Tanglefoot Court, Bettendorf, Iowa 52722
9. Miracles Can Happen Boys Ranch - 1614 300th Street, Wilton, Iowa 52778

1. Casey Boyd - 1006 5th Street, Coralville, Iowa 52241 - Certified
2. Sarah E. Swartzendruber - Bradley & Riley PC, Tower Place, One South Gilbert Street, Iowa City, Iowa 52240-3914
3. Leota Connor - 1004 N. Miller #107, West Liberty, Iowa 52776
4. Sheila L. Lee - I.D.O.T., Davenport District 6 Field Office, P.O. Box 2646, Davenport 52809
5. HWK Corporation - Attn: Paul & Lois Hanser, 2096 Moscow Road, Moscow, Iowa 52760
6. Herbert Townsend - 2372 Plum Avenue, Wilton, Iowa 52778
7. Pete & Mae Eriksen Rev. Trust - 2096 Newton Avenue, Moscow, Iowa 52760
8. Helen A. Pentecost Trustee - 2017 Newton Avenue, Tipton, Iowa 52772
9. MiniFarm Acres, Inc. - 978 310th Street, Atalissa, Iowa 52720-9652
10. Thelma J. Nopoulos Rev. Trust - P.O. Box 95, Wilton, Iowa 52778
11. Kent Jehle - 158 Ashford Place, Iowa City, Iowa 52245

Copy to Tipton Conservative & Wilton-Durant Advocate News on 8/19/05
Board of Supervisors
2 File Copies
Bulletin Board Copy



CEDAR
COUNTY

Tel: 563-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR
Cedar County Courthouse **Tipton, Iowa 52772**

AGENDA

Cedar County Planning & Zoning Commission

Wednesday, August 17, 2005 – **6:30 p.m.**

Basement, Cedar County Courthouse, Tipton, Iowa

I. Introduction

II. Review of the petitions received from:

- A. Pond View Acres LLC, Tipton (Owners) – A change in zoning from A-1 to R-1 to allow construction of single family dwellings on a proposed twenty six (26) lot subdivision
- B. Casey Boyd, Coralville (Contract Buyer) and Leota Connor (Owner) – A change in zoning from A-1 to C-2 to allow commercial development
- C. Kent and Peggy Graham, Wilton (Owners) – Requesting approval of a Special Use Permit to allow an Agriculture Service Business

III. Conclusion

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

August 17, 2005

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, August 17, 2005, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Quinn, Brown, Schuett, Moylan and Zoning Administrator La Rue. Members absent were Pruess, Lamp and Voparil.

Chairperson Pro-tem Brown called the meeting to order at 6:30 p.m. The members then considered the following petitions:

1. **Pond View Acres LLC, Tipton (Owners)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of single family dwellings on a proposed twenty six (26) lot subdivision, Pond View Acres, Part V, on property located in the NW ¼ of the SW ¼ and the SW ¼ of the SW ¼, Section 14, T-79N, R-2W, in Sugar Creek Township, consisting of 64 acres more or less.

La Rue informed the members that there were no written or verbal objections on file for this petition and stated this area is in an area for future proposed development. The letter from the County Engineer and Wilton Fire Department were both favorable. The soil evaluation was reviewed. Septic tank disposal field limitations were slight to severe with severe limitations due to slope. Foundations for low buildings were moderate to severe. Agricultural farm crops were slight to severe. C.S.R. ranges from 40 to 90 points. La Rue stated they will have to deal with the D.O.T.'s sewage lagoons. The requirement would be that the water supply be located a minimum of 1,000 feet from this area. There are no objections from the D.O.T. or D.N.R.

Stuart Werling was present and informed the members they wish to rezone property to R-1 in continuance of their development. He stated it would be the last in the Pond View development. There will be three installed community wells. He is not sure of the total number of lots or size at this time. La Rue advised working with the homeowners association advising potential buyers of the lagoons. The private road will be maintained by the developer.

Stuart Werling stated what they have done in the 1st Addition & the 3rd Addition was to reserve easements to the north. County Engineer Fangmann agreed with the easement and stated they have proper buffer strips in place to prevent washouts. It was noted that sand filters will be predominate for septic systems. Brown questioned the outlet. Stuart Werling stated 310th Street is open and is gravel for ¼ mile. It was also questioned if the dirt road could facilitate an access. Mr. Werling stated it is not a steep ditch and could be used to exit if there was an emergency. Mailboxes will be placed back within the subdivision. Mr. Werling stated the school bus will stop on Rose Avenue. Quinn then

stated concern about the possibility of odor from the lagoon. Mr. Werling stated no odors have been noticed yet. It was again discussed that people be adequately informed through the covenants regarding the possibility of odor. Mr. Werling stated they are a long way from selling lots at this point.

After further discussion, Moylan made a motion to recommend the change in zoning from A-1 to R-1 to allow the proposed subdivision with a stipulation of restrictive covenants. Schuett seconded the motion. Ayes all.

2. Casey Boyd, Coralville (Contract Buyer) and Leota Connor (Owner) –

Requesting a change in zoning from A-1 Agricultural to C-2 Highway Commercial for the purpose of allowing commercial development on property located in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 17, T-79N, R-2W, in Rochester Township, consisting of 32.70 acres more or less.

La Rue informed the members there were no written or verbal objections on file for this petition and advised the members to consider the petition in accordance with Chapter 18.2(3) of the Zoning Ordinance. He stated this location is in conformance with the proposed land use plan. There currently is a C-2 zoning classification in the immediate area. The petitioners wish to rezone the easterly portion of the property to be consistent with the rest of the property. There is currently an easement through Minifarm Acres to the site. Mr. Boyd stated that the Minifarm Acre site has been under the lust program regarding the underground storage tanks. He stated it is an insured site and has a clean bill of health. He stated he had been told if he decommissioned the well on the property, they will receive a clean bill of health and the insurance would pay for a new well to be installed. He stated his plan is to immediately decommission the well after he closes on the property and escrow the money that could be contributed to a larger well. He stated the new well will likely be located on Leota Connor's property. Mr. Boyd stated he will take the structure and everything off the Minifarm Acre site. He will not pop any asphalt or concrete at this time as he feels this is where the majority of expense is going to be. He informed the members he is only speculating at this time. He stated he has received a good response and thinks the accessibility and visibility are the two main things that attracted him to the property. He stated of the 32.7 acres, the most easterly portion is the highest ground.

La Rue stated a letter was received from Sheila Lee, I.D.O.T. and Tipton Fire Department which stated no objections. The letter from County Engineer, Rob Fangmann, stated it will require a D.O.T. access. Soils inventory was reviewed. La Rue stated with a project of this size, they will probably be required to comply with the DNR's water well and septic regulations. Limitations for foundations for low buildings were moderate to severe due to Colo-Ely soil complex characterized by a high water table

and run-off. La Rue stated good engineering practices would need to be used in the development of the property to make sure that any project is not affected by it and make sure they are a good neighbor with both properties to the north and east and D.O.T. Limitations for agricultural farm crops are slight to moderate. The C.S.R. is above 75 points. However, the Comprehensive Plan does encourage orderly compact development which this does provide. It is also in an area under the future land use plan.

Sarah Swartzendruber, Attorney for Mr. Boyd, was present and stated the property will be kept in production until such time as there is a buyer. La Rue then stated he had informed Mr. Boyd he may find that C-2 Highway Commercial District would not be appropriate for all types of development he is proposing and it may be necessary to amend the zoning petition to Light Industrial or Heavy Industrial. HWH Corporation, located to the south of the rezoning tract, is zoned Light Industrial. The Duffe property to the northwest and UP Electronics on the southwest corner of the I-80 interchange are both zoned M-1 Light Industrial. Mr. Boyd then stated he had talked to John Miller, Tipton Fire Chief, and that this large of a commercial development may require a fire system. He informed the members that he is looking into what it will entail. The Tipton Fire Department will have to stamp their approval on the system. It was also noted that the Cedar River is approximately one mile from the site. Mr. Boyd then stated he is currently going with the C-2 zoning now to be consistent. He stated this is just a starting point right now and he will know a lot more within the next twelve months. Attorney Swartzendruber stated they felt the C-2 classification seemed consistent at this time. Steve Lacina, Cedar County Economic Development Director, spoke in support of the petitioner. He stated it is a very minimal cost to the county but high in terms of revenue for the county. He also stated it will not impact the county roads and it is a business which will be a high payer of tax dollars. Another benefit is jobs and careers for students. He felt a business like this is beneficial in keeping our children in the county. He stated the risk is all in the private investor. He stated the Economic Development Commission will do all they can to acquire quality businesses. Herb Townsend, adjoining property owner, inquired who the partners were. Mr. Boyd then stated he is in partnership with two other gentlemen who are Swen Larson who owns a company named Larson Builders and Tim Dwight who is on the downside of his football playing career. Mr. Boyd stated he is the real estate person and Mr. Larson is the builder. He stated they will be working on a development near Iowa City shortly. Barb Wood, another adjoining property owner, also spoke in support of the petition. Mr. Boyd stated this location is very centrally located for a business and feels it would be good for Cedar County. He then stated his goal is to put this commercial development on the national, as well as the state map.

After further discussion, Quinn made a motion to recommend approval of the rezoning request to the Board of Supervisors. Moylan seconded the motion. Ayes all.

3. **Kent and Peggy Graham, Wilton (Owners)** – Requesting approval of a Special Use Permit to allow an Agriculture Service Business, a machine and fabrication shop, at 1888 250th Street, Bennett, Iowa, in accordance with Chapter 5, Section D(1). Said property is located in the NE ¼ of the NE ¼, Section 19, T-80N, R-1W, in Inland Township. Said property is currently zoned A-1 Agricultural.

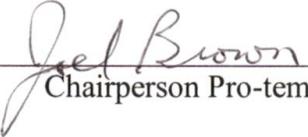
La Rue informed the members there were no written or verbal objections on file and advised their recommendation will go to the Board of Adjustment in accordance with Chapter 17.2(3) of the Zoning Ordinance.

Kent and Peggy Graham were present and informed the members they were requesting a Special Use Permit to allow them to move their machine and fabrication business to their residence at 1888 250th Street, Bennett. Mr. Graham stated they would like to put an addition onto an existing pole building which is where the business will be operated from. He informed the members he also restores antique agricultural equipment.

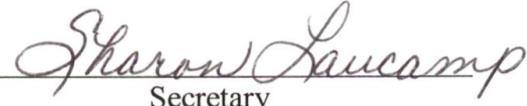
La Rue informed the members a letter from the County Engineer stated that an approved entrance permit is on file and the existing entrance can be utilized for the business with changes listed on the approved permit. There will be no parking on the road. La Rue also stated it was his recommendation to apply for the S.U.P. instead of a change in zoning. The property is located one mile south and one mile west of Bennett. The letter from the Bennett Fire Department stated that the Graham's have ample open areas for parking of their emergency vehicles if needed. Mr. Graham stated all work will be done inside of the building. He stated from the road, the business will just look like a machine shed. He also stated there will be about one semi arriving per week for delivery. The trucks will take Route Y-14. Mr. Graham will deal with dust control if needed in the future. He was informed he is allowed up to a 32 square foot advertising sign with proper setbacks. Mr. Graham stated he will probably place the sign on the building and there will be no outside storage. Mr. Graham stated they have one full-time employee and, on occasion, they have a temporary part-time person which averages no more than 300 hours per year. He stated he will widen the entrance to the property and will trim the trees. There is plenty of site distance. La Rue stated if the business should grow, Mr. Graham keep the Board of Adjustment members advised.

After further discussion, Schuett made a motion to recommend approval to the Board of Adjustment. Moylan seconded the motion. Ayes all.

Minutes from the previous meeting held on August 3, 2005, were previously sent to the members. Moylan made a motion to approve the minutes as written. Quinn seconded the motion. Ayes all. The meeting was then adjourned at 7:35 p.m.



Joel Brown
Chairperson Pro-tem



Sharon Laucamp
Secretary



Tel: 563-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR
Cedar County Courthouse

Tipton, Iowa 52772

August 8, 2005

LEGAL NOTICE

The Cedar County Planning & Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, August 17, 2005, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa.

At this time, the Commission will consider the following petitions:

- 1. Pond View Acres LLC, Tipton (Owners)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of single family dwellings on a proposed twenty six (26) lot subdivision, Pond View Acres, Part V, on property located in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 14, T-79N, R-2W, in Sugar Creek Township, consisting of 64 acres more or less.
- 2. Casey Boyd, Coralville (Contract Buyer) and Leota Connor (Owner)** – Requesting a change in zoning from A-1 Agricultural to C-2 Highway Commercial for the purpose of allowing commercial development on property located in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 17, T-79N, R-2W, in Rochester Township, consisting of 32.70 acres more or less.
- 3. Kent and Peggy Graham, Wilton (Owners)** – Requesting approval of a Special Use Permit to allow an Agriculture Service Business, a machine and fabrication shop, at 1888 250th Street, Bennett, Iowa, in accordance with Chapter 5, Section D(1). Said property is located in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 19, T-80N, R-1W, in Inland Township. Said property is currently zoned A-1 Agricultural.

At said Public Hearing, any person present, and so wishing, will be given the opportunity to be heard, for or against, said petitions. Any person so wishing may file a document with the Cedar County Zoning Administrator prior to the time of the hearing should the person wish the document to be read for them at the time of the hearing.

Phil La Rue
Zoning Administrator

Copies sent out on 8/10/05 to the following:

1. Pond View Acres, LLC - 319 Cedar Street, Tipton, Iowa 52772 - Certified
2. Charles H. Frymoyer - 1232 300th Street, Tipton, Iowa 52772
3. IDOT - Steven Westrold, Right-Of-Way Office, 800 Lincolnway, Ames, Iowa 50010
4. Leona H. Wilkins Rev. Trust - 1407 Washington Avenue, Bennett, Iowa 52721
5. Mark & Kimberly Washburn - 519 Walnut Street, Wilton, Iowa 52778
6. Brett & Nicole Jackson - 417 Rose Avenue, Wilton, Iowa 52778
7. William & Dawn Yohe - 3880 Tanglefoot Court, Betterndorf, Iowa 52722
8. Miracles Can Happen Boys Ranch - 1614 300th Street, Wilton, Iowa 52778

1. Casey Boyd - 1006 5th Street, Coralville, Iowa 52241 - Certified
2. Sarah E. Swartzendruber - Bradley & Riley PC, Attorneys & Counselors, Tower Place, One South Gilbert Street, Iowa City, Iowa 52240-3914
3. Leota Connor - 1004 N. Miller #107, West Liberty, Iowa 52776
4. Sheila L. Lee - I.D.O.T., Davenport District 6 Field Office, P.O. Box 2646, Davenport, 52809
5. HWH Corporation - Attn: Paul & Lois Hanser, 2096 Moscow Road, Moscow, Iowa 52760
6. Herbert Townsend - 2372 Plum Avenue, Wilton, Iowa 52778
7. Pete & Mae Eriksen Rev. Trust - 2096 Newton Avenue, Moscow, Iowa 52760
8. Helen A. Pentecost Trustee - 2017 Newton Avenue, Tipton, Iowa 52772
9. MiniFarm Acres, Inc. - 978 310th Street, Atalissa, Iowa 52720-9652
10. Thelma J. Nopoulos Rev. Trust - P.O. Box 95, Wilton, Iowa 52778
11. Kent Jehle - 158 Ashford Place, Iowa City, Iowa 52245 (P.O.A. for Leota Connor)

1. Kent & Peggy Graham - 803 Parkview Street, Wilton, Iowa 52778 - Certified
2. Merton & Carol Burnett - 1865 250th Street, Bennett, Iowa 52721
3. Venita Rorick - 1476 Taylor Avenue, Bennett, Iowa 52721
4. Jeffery Graves Rev. Trust - P.O. Box 70, Durant, Iowa 52747
5. Richard & Celeste Homrighausen - 1595 Taylor Avenue, Bennett, Iowa 52721
6. Larry Myers & Karen Driscoll - P.O. Box 269, Bennett, Iowa 52721

Copy to Tipton Conservative & Wilton-Durant Advocate News on 8/8/05

7 Zoning Commission members

2 file copies

Bulletin Board Copies

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

August 3, 2005

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, August 3, 2005, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Brown, Quinn, Voparil, Pruess, Lamp, Moylan and Zoning Administrator La Rue. Member absent was Schuett. This meeting was previously scheduled on July 20, 2005, but was rescheduled due to the lack of a quorum. Minutes from the previous meeting held on May 18, 2005, were previously sent to the members. They were approved as presented.

The Commission members then considered the following petitions:

- 1. Gerald and Betty Boyd, Rockford, IL (Owners) and Lisa Zimmerman, RFD, West Branch (Contract Buyer)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of single family dwellings on a proposed three (3) lot subdivision located in the SE ¼ of the SW ¼, Section 24, T-80N, R-4W, in Gower Township, consisting of 6.00 acres more or less.

Zoning Administrator La Rue informed the members there was one letter of objection and one letter of support on file and advised the members to consider this petition in accordance with Chapter 18.2(3) of the Zoning Ordinance. He then read the letter of objection received from Keith & Joleen Brown and the letter of support received from Clarence & Maryann Crew.

Lisa Zimmerman was present and informed the members there is a flat area of land off the road which she would like to turn into residential and she would like to preserve the rest of the 154 acres. The letter from the Cedar County Engineer stated no road concerns and an approved entrance permit is on file. The entrance is only approved to service three lots or less. His letter also stated the subdivision is responsible to mow the north ditch in order to gain additional sight distance. The letter from the West Branch Fire Department stated they can provide adequate fire protection for the area. The soil evaluation was then reviewed. The limitations for foundations for low buildings were slight to moderate. Limitations for septic tank disposal fields were slight to severe with the severe limitations due to slope. Agricultural farm crops limitations were moderate to severe. The proposed area is timbered and the CSR is below 75 points. One well will serve all three lots. La Rue then stated the land use plan does discourage scattered residential development when the area can not support the wide range of services. However, the clustering

of homes does reduce the impact of problems and better provision for fire and rescue. He then stated the proposed land use map shows that this area is not included in the area where residential homes would be acceptable. La Rue stated that George Bowie previously rezoned and subdivided his property into a three lot subdivision east of the proposed rezoning. His property was not prime ag ground and there were not any agricultural conflicts in that area. There is one zoned residential home south of the proposed area and there is a number of farmstead splits in the area. There is a livestock operation of stock cows across the road in a pasture. Sally Miller, adjoining property owner to the east, stated she would like to see a plan of development, what kind of dwellings are proposed and where they will be placed because her house is located less than 200 feet from the fence line. She expressed concern about drainage because she has a stocked pond. She also has a concern regarding road traffic. Tom Miller inquired who is responsible for the fence. La Rue stated, if this rezoning is approved, the Cedar County Subdivision Ordinance is very clear with regard to there being a fence agreement. He stated, in the past, the Board of Supervisors have required there to be a homeowner's association where all owners agree to equally pay for half of the fences, or sometimes the homeowner's association agrees to pay for 100% of the fence. He stated the Board of Supervisors will require there to be something in writing regarding the fence agreement. Darcy Miller, Sally Miller's daughter-in-law, expressed her concern of keeping the area as is. There is an informal plat at this time. County Engineer, Rob Fangmann, was present and stated the road meets the criteria of site distance and mowing gains the security for the site distance to the west. He stated the proposed area where they will access unto the gravel road needs to be raised. It does meet all criteria for a minor subdivision. Lisa Zimmerman then stated she would work with Sally Miller as far as creating covenants and preserving the tree boundary. She then responded to the Brown's opposition of her access to the timber. She stated she had always had an easement on Brown's land to get to her timber and stated it is her only access. She stated this is not a valid point regarding her rezoning because the area she wants to rezone is not acceptable or economically feasible to put an access to her timber from that area. She stated if she needs to access her timber from the proposed rezoning site, she can retain an easement when she sells the lots.

Comments from the Commission members were then heard. Lamp inquired if Mrs. Zimmerman was considering restrictive covenants regarding size of the new homes on the lots. She stated she was. La Rue stated the Subdivision Ordinance will require an erosion plan and he recommended a buffer strip to preserve the natural area as much as possible. Mrs. Zimmerman was in agreement. He then stated the Zoning Commission can recommend to the

Board of Supervisors to encourage, if approved, review with the subdivision of restrictive covenants which would run with the development to enforce the good neighbor policy.

Jolene Brown then requested the letter from the County Engineer be read again. La Rue informed her the letter stated the entrance was approved to service three lots or less. She questioned if that entrance could be used as access to the ag land behind. Yes, it can. La Rue was then asked to explain the difference between minor & major subdivisions and their requirements. A brief discussion was held regarding a letter reportedly sent to Bev Brown. As this letter was not entered into the public record and available to the Commission, La Rue advised against considering the comments. Access to the ag ground behind the proposed rezoning site was again discussed.

Mrs. Zimmerman stated if she has to, she can gain access to the ag land through her own land and may have to take down some trees to do so. She would then gain access along Lot 1. County Engineer Rob Fangmann stated the current access is along Lot 1 which will be used for the subdivision. La Rue stated if this request is approved, he would strongly recommend the Commission require that Mrs. Zimmerman gain access to her property along the west edge of Lot 1. La Rue stated the average for most farm easements is 40 feet, and with regard to the frontage road, he would recommend that it be increased from 50 to 60 feet. He recommended that Mrs. Zimmerman talk to her attorney regarding easements. Commissioner Moylan questioned the possibility that the proposed subdivision be moved further west, creating a buffer between the proposed subdivision and Sally Miller's property line. It was determined there is too much slope to make it practical. La Rue then summarized the points for and against the petition. He stated the only concern is the potential incompatibility with pastured livestock. Commissioner Brown stated his concern about the livestock and does not feel this is the highest use of the land. Sally Miller stated her concern about a nearest neighbor possibly being within 175' of her. After further discussion, Chairperson Pruess called for a motion. Commissioner Brown then made a motion to deny the request due to an incompatible use and it is not the Commission's responsibility to sell the three lots in order to finance the rest of the property. Quinn seconded the motion. The vote to deny the petition was 2 for and 3 against. Chairperson Pruess then requested another motion. Commissioner Lamp stated, based on the information provided, there was no basis for denial. He then made a motion to accept the petition for a change in zoning with a stipulation of three homes only, access road to be 60 feet, an easement access to back of the property be 40 feet along the west edge on Lot 1 and there be some plan for erosion control. Moylan seconded the motion. The vote was then 3 ayes and 2 nays.

2. Jeff and Joanna Reichert, RFD, Tipton (Owners) and Heidi Carr, RFD, Tipton (Contract Buyer) – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of a single family dwelling on property located in the NW ¼ of the SW ¼, Section 25, T-80N, R-3W, in Rochester Township. Said petition is to rezone 1.99 acres of a 17.66 acre tract.

Zoning Administrator La Rue informed the members there were no written or verbal objections on file and advised the members to consider this petition in accordance with Chapter 18.2(3) of the Zoning Ordinance. Soil maps were then discussed. Limitations for septic systems are moderate to severe due to slope. Foundations for low buildings are moderate limitations. Agricultural farm crops are moderate to severe. The C.S.R. is 50.7 points. The letter from the Tipton Fire Department stated they can provide fire and rescue services as long as the driveway is adequate. The letter from the County Engineer stated no road concerns and an approved entrance permit is on file. It also stated the entrance needs to be near the west property line as dictated on the approved permit. La Rue informed the members this property is east of where Courtney Bromell and Jerad Kelley recently rezoned. There are no livestock operations within one-quarter mile. La Rue stated this property is about one-quarter mile south of the Deerview Subdivision which is zoned residential and there are a number of residential zoned or residentially used agricultural properties in this area.

Heidi Carr was present and explained to the members her desire to build a single family dwelling on the property. She plans to have a couple of horses and wants to enhance the wildlife in the area. The property is south of Snaggy Ridge Orchard and D-Del Subdivision.

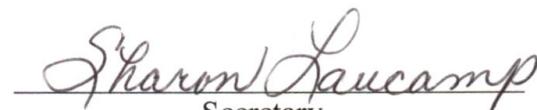
After a brief discussion, Lamp made a motion to recommend the change in zoning from A-1 to R-1 based on meeting all requirements of the questionnaire. Moylan seconded the motion. Ayes all.

The members next briefly discussed how to administer and enforce the proposed land use plan.

With no further business to be discussed at this time, the meeting was adjourned.



Anna Prins
Chairperson



Sharon Laucamp
Secretary

PROOF OF PUBLICATION

STATE OF IOWA,
Muscatine County } ss.

I, Paulette Theobald, being first duly sworn on oath
depose and say; that I am the office manager of Advocate
News, a newspaper published weekly in the City of Wilton,
Muscatine County, State of Iowa, and that notice of Cedar
County Planning & Zoning Commission public hearing 08/
17/05

LEGAL NOTICE
The Cedar County Planning & Zoning Commission
has been petitioned to conduct a Public Hearing on
Wednesday, Aug. 17, 2005, at 6:30 p.m., in the Large
Meeting Room in the basement of the Cedar County
Courthouse, Tipton, Iowa.

At this time, the Commission will consider the following petitions:

1. Pond View Acres LLC, Tipton (Owners) – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of single-family dwellings on a proposed twenty-six (26) lot subdivision, Pond View Acres, Part V, on property located in the NW 1/4 of the SW 1/4 and the SW 1/4 of the SW 1/4, Section 14, T-79N, R-2W, in Sugar Creek Township, consisting of 64 acres more or less.

2. Casey Boyd, Coralville (Contract Buyer) and Leota Connor (Owner) – Requesting a change in zoning from A-1 Agricultural to C-2 Highway Commercial for the purpose of allowing commercial development on property located in the NE 1/4 of the SW 1/4, Section 17, T-79N, R-2W, in Rochester Township, consisting of 32.70 more or less.

Kent and Peggy Graham, Wilton (Owner) – Requesting approval of a Special Use Permit to allow an Agriculture Service Business, a machine and fabrication shop, at 1888 250th Street, Bennett, Iowa, in accordance with Chapter 5, Section D(1). Said property is located in the NE 1/4 of the NE 1/4, Section 19, T-80N, R-1W, in Inland Township. Said property is currently zoned A-1 Agricultural.

At said Public Hearing, any person present, and so wishing, will be given the opportunity to be heard, for or against, said petitions. Any person so wishing may file a document with the Cedar County Zoning Administrator prior to the time of the hearing should the person wish the document to be read for them at the time of the hearing.

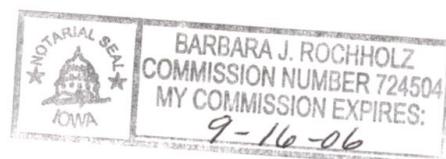
Phil LaRue
Zoning Administrator

hereto attached and made a part hereof, was published
once each week for 1 week(s) in succession, in said
newspaper, and that the dates of publication were
08/11/2005

and that the copy of said printed notice, hereto attached,
was cut from one of said publications.



Subscribed and sworn to before me this 11th
day of August 2005


Notary Public

LEGAL NOTICE

The Cedar County Board of Supervisors will be conducting a Public Hearing on August 18 and 22, 2005, at 9:00 a.m., in the Board Meeting Room of the Courthouse, Tipton, Iowa.

At this time, the Board will consider the following petitions:

- 1. Jeff and Joanna Reichert, RFD, Tipton (Owners) and Heidi Carr, RFD, Tipton (Contract Buyer)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of a single family dwelling on property located in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 25, T-80N, R-3W, in Rochester Township. Said petition is to rezone 1.99 acres of a 17.66 acre tract.
- 2. Gerald and Betty Boyd, Rockford, IL (Owners) and Lisa Zimmerman, RFD, West Branch (Contract Buyer)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of single family dwellings on a proposed three (3) lot subdivision located in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 24, T-80N, R-4W, in Gower Township, consisting of 6.00 acres more or less.

At said Public Hearing, any person present, and so wishing, will be given the opportunity to be heard. However, the Board does request, but does not require, that any person speaking, briefly document or outline the statement and place on file. Time will be allowed during the hearing for a person to prepare such documentation if such time is needed. Any persons wishing a statement read into the hearing for them may file same with the County Auditor prior to the time of the hearing.

BETTY ELLERHOFF
Cedar County Auditor

Copies sent out on 8/5/05 to the following:

1. Heidi Carr - 1150 265th Street, Tipton, Iowa 52772 - Certified
2. Jeffrey & Joanna Reichert - 876 247th Street, Tipton, Iowa 52772
3. Jacob Reichert - 1115 265th Street, Tipton, Iowa 52772
4. Dan & Lori Dawson - 1105 265th Street, Tipton, Iowa 52772
5. Courtney Bromell & Jerad Kelley - 707 W. 9th Street, Lot #50, Tipton, Iowa 52772
6. Larry & Sharon Hodgden - 1645 'D' Avenue NE, Cedar Rapids, Iowa 52402

1. Lisa Zimmerman - 1640 Franklin Avenue, West Branch, Iowa 52358 - Certified
2. Gerald & Betty Boyd - 45208 Dunbar Place, Rockford, IL 61114
3. Sally Miller - 563 260th Street, West Branch, Iowa 52358
4. Clarence Crew - 181 290th Street, West Branch, Iowa 52358
5. Bev Brown - 576 260th Street, West Branch, Iowa 52358
6. Brown Family Ltd. - 1636 Eureka Avenue, West Branch, Iowa 52358

e-mailed copy to Bev Penningroth on 8/5/05

2 file copies

Copy to Tipton Conservative and West Branch Times on 8/5/05



Tel: 563-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR
Cedar County Courthouse

Tipton, Iowa 52772

July 21, 2005

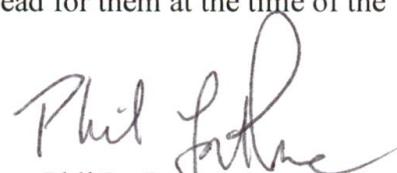
LEGAL NOTICE

The Cedar County Planning & Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, August 3, 2005, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. This meeting, originally scheduled for July 20, 2005, was rescheduled due to the lack of a quorum.

At this time, the Commission will consider the following petitions:

- 1. Gerald and Betty Boyd, Rockford, IL (Owners) and Lisa Zimmerman, RFD, West Branch (Contract Buyer)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of single family dwellings on a proposed three (3) lot subdivision located in the SE ¼ of the SW ¼, Section 24, T-80N, R-4W, in Gower Township, consisting of 6.00 acres more or less.
- 2. Jeff and Joanna Reichert, RFD, Tipton (Owners) and Heidi Carr, RFD, Tipton (Contract Buyer)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of a single family dwelling on property located in the NW ¼ of the SW ¼, Section 25, T-80N, R-3W, in Rochester Township. Said petition is to rezone 1.99 acres of a 17.66 acre tract.

At said Public Hearing, any person present, and so wishing, will be given the opportunity to be heard, for or against, said petitions. Any person so wishing may file a document with the Cedar County Zoning Administrator prior to the time of the hearing should the person wish the document to be read for them at the time of the hearing.


Phil La Rue
Zoning Administrator

PL:sl

Copies sent out on 7/21/05 to the following:

1. Lisa Zimmerman - 1640 Franklin Avenue, West Branch, Iowa 52358 - Certified
2. Gerald & Betty Boyd - 45208 Dunbar Place, Rockford, IL 61114
3. Sally Miller - 563 260th Street, West Branch, Iowa 52358
4. Clarence Crew - 181 290th Street, West Branch, Iowa 52358
5. Bev Brown - 576 260th Street, West Branch, Iowa 52358
6. Brown Family Ltd. - 1636 Eureka Avenue, West Branch, Iowa 52358

1. Heidi Carr - 1150 265th Street, Tipton, Iowa 52772 - Certified
2. Jeffrey & Joanna Reichert - 876 247th Street, Tipton, Iowa 52772
3. Jacob Reichert - 1115 265th Street, Tipton, Iowa 52772
4. Dan & Lori Dawson - 1105 265th Street, Tipton, Iowa 52772
5. Courtney Bromell & Jerad Kelley - 707 W. 9th Street, Lot #50, Tipton, Iowa 52772
6. Larry & Sharon Hodgden - 1645 'D' Ave. NE, Cedar Rapids, Iowa 52402

1 copy to Tipton Conservative & West Branch Times on 7/21/05
2 File Copies
Bulletin Board
7 Zoning Commission members on 7/22/05



Tel: 563-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR
Cedar County Courthouse

Tipton, Iowa 52772

July 1, 2005

LEGAL NOTICE

The Cedar County Planning & Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, July 20, 2005, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa.

At this time, the Commission will consider the following petitions:

- 1. Gerald and Betty Boyd, Rockford, IL (Owners) and Lisa Zimmerman, RFD, West Branch (Contract Buyer)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of single family dwellings on a proposed three (3) lot subdivision located in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 24, T-80N, R-4W, in Gower Township, consisting of 6.00 acres more or less.
- 2. Jeff and Joanna Reichert, RFD, Tipton (Owners) and Heidi Carr, RFD, Tipton (Contract Buyer)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of a single family dwelling on property located in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 25, T-80N, R-3W, in Rochester Township. Said petition is to rezone 1.99 acres of a 17.66 acre tract.

At said Public Hearing, any person present, and so wishing, will be given the opportunity to be heard, for or against, said petitions. Any person so wishing may file a document with the Cedar County Zoning Administrator prior to the time of the hearing should the person wish the document to be read for them at the time of the hearing.

Phil La Rue
Zoning Administrator

PL:sl

Copies sent out on 7/6/05 to the following:

1. Lisa Zimmerman - 1640 Franklin Avenue, West Branch, Iowa 52358 - Certified
2. Gerald & Betty Boyd - 45208 Dunbar Place, Rockford, IL 61114
3. Sally Miller - 563 260th Street, West Branch, Iowa 52358
4. Clarence Crew - 181 290th Street, West Branch, Iowa 52358
5. Bev Brown - 576 260th Street, West Branch, Iowa 52358
6. Brown Family Ltd. - 1636 Eureka Avenue, West Branch, Iowa 52358

1. Heidi Carr - 1150 265th Street, Tipton, Iowa 52772 - Certified
2. Jeffrey & Joanna Reichert - 876 247th Street, Tipton, Iowa 52772
3. Jacob Reichert - 1115 265th Street, Tipton, Iowa 52772
4. Dan & Lori Dawson - 1105 265th Street, Tipton, Iowa 52772
5. Courtney Bromell & Jerad Kelley - 707 W. 9th Street, Lot #50, Tipton, Iowa 52772
6. Larry & Sharon Hodgden - 1645 'D' Ave. NE, Cedar Rapids, Iowa 52402

1 Copy to Tipton Conservative & West Branch Times on 7/1/05
2 File Copies
Bulletin Board
7 Zoning Commission members on 7/6/05



Tel: 563-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR
Cedar County Courthouse

Tipton, Iowa 52772

AGENDA

Cedar County Planning & Zoning Commission

Wednesday, July 20, 2005 – 6:30 p.m.

Basement, Cedar County Courthouse, Tipton, Iowa

I. Introduction

II. Review of the petitions received from:

- A. Gerald & Betty Boyd, Rockford, IL (Owners) and Lisa Zimmerman, RFD, West Branch (Contract Buyer) – A change in zoning from A-1 to R-1 to allow construction of single family dwellings on a proposed three (3) lot subdivision**

- B. Jeff & Joanna Reichert, RFD, Tipton (Owners) and Heidi Carr, RFD, Tipton (Contract Buyer) – A change in zoning from A-1 to R-1 to allow construction of a single family dwelling**

III. Conclusion

LEGAL NOTICE

The Cedar County Board of Supervisors will be conducting a Public Hearing on July 11 & 18, 2005, at 9:00 a.m., in the Board Meeting Room of the Courthouse, Tipton, Iowa.

At this time, the Board will consider the following petition:

1. **Dean Wood, Anamosa (Owner)** – Requesting approval of Oakridge Estates First Addition, a Final Plat of Survey for a proposed thirteen (13) lot subdivision located in the S ½ of the SW ¼ of the NW ¼ and the NW ¼ of the SW ¼ and the NE ¼ of the SW ¼, all in Section 11, T-80N, R-3W, in Center West Township, consisting of 47.73 acres more or less.

At said Public Hearing, any person present, and so wishing, will be given the opportunity to be heard. However, the Board does request, but does not require, that any person speaking, briefly document or outline the statement and place on file. Time will be allowed during the hearing for a person to prepare such documentation if such time is needed. Any persons wishing a statement read into the hearing for them may file same with the County Auditor prior to the time of the hearing.

BETTY ELLERHOFF
Cedar County Auditor

Copies sent out on 7/5/05 to the following:

1. Dean Wood - 9941 Forest Chapel Road, Anamosa, Iowa 52205 - Certified
2. Ruth Nebergall - 5720 W. 120th Avenue, Broomfield, CO 80020
3. Douglas Moore - 573 SE 80th Avenue, Ellinwood, KS 67526
4. Gerald O'Rourke - 101 W. 3rd Street, Tipton, Iowa 52772
5. Don Lamp - P.O. Box 422, Tipton, Iowa 52772
6. Wilma Pearson - 1413 Jeffery Street, Tipton, Iowa 52772
7. Dennis & Janice Domer - 1077 Cedar Valley Road, Tipton, Iowa 52772
8. Beau & Allison Holub - 993 Cedar Valley Road, Tipton, Iowa 52772
9. Max Nebergall - 1007 E. 7th Street, Tipton, Iowa 52772
10. Lloyd & Arlene Hein - 1376 Jackson Avenue, Tipton, Iowa 52772
11. City of Tipton - City Hall, 407 Lynn Street, Tipton, Iowa 52772
12. Richard Kordick - Kordick Surveying, 689 185th Street, Tipton, Iowa 52772

Board of Supervisors

1 Copy to Tipton Conservative on 7/1/05

2 File Copies

Bulletin Board



Tel: 563-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR
Cedar County Courthouse

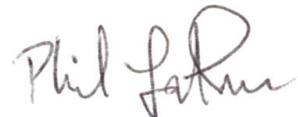
Tipton, Iowa 52772

June 10, 2005

TO: CEDAR COUNTY PLANNING & ZONING COMMISSION MEMBERS

I am writing to inform you that there will not be a meeting of the Planning and Zoning Commission during the month of June.

Sincerely,

A handwritten signature in black ink that reads "Phil La Rue".

Phil La Rue
Zoning Administrator

PL:sl

LEGAL NOTICE

The Cedar County Board of Supervisors will be conducting a Public Hearing on June 6 and 9, 2005, at 9:00 a.m., in the Board Meeting Room of the Courthouse, Tipton, Iowa.

At this time, the Board will consider the following petition:

1. **Harry Hott, RFD, West Branch (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 34, T-80N, R-4W, in Gower Township, consisting of 1.99 acres more or less.

At said Public Hearing, any person present, and so wishing, will be given the opportunity to be heard. However, the Board does request, but does not require, that any person speaking, briefly document or outline the statement and place on file. Time will be allowed during the hearing for a person to prepare such documentation if such time is needed. Any persons wishing a statement read into the hearing for them may file same with the County Auditor prior to the time of the hearing.

BETTY ELLERHOFF
Cedar County Auditor

Copies sent out on 5/24/05 to the following:

1. Harry Hott - 339 280th Street, West Branch, Iowa 52358 - Certified
2. Mark & Patricia Minor-Nidey - 1778 Delta Avenue, West Branch, Iowa 52358
3. Marie Anderson - 1704 Charles Avenue, West Branch, Iowa 52358
4. Gweldolyn Kessler & Constance Meyer - 501 E. 3rd Street, West Liberty, Iowa 52776
5. Glen & Cora Pedersen - 663 290th Street, West Liberty, Iowa 52776

Copy to Tipton Conservative & West Branch Times on 5/23/05

2 File Copies

Board of Supervisors

Bulletin Board



Tel: 563-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR
Cedar County Courthouse

Tipton, Iowa 52772

PUBLIC NOTICE

CEDAR COUNTY FUTURE LAND USE PLAN PUBLIC INPUT MEETING

Wednesday, May 18, 2005 – 6:00 to 6:30 p.m.

Large Meeting Room in the Basement of the Cedar County Courthouse,
Tipton, Iowa

The Cedar County Planning and Zoning Commission invites the Public to attend a Future Land Use Plan Public Input Meeting. The Public is invited to review draft materials and submit comments. The proposed Future Land Use Plan Map will be on display, as well as the Proposed Future Land Use Plan Goals. A short presentation about the update of Cedar County's Land Use Plan will begin at 6:10 p.m. For more information, please contact Phil La Rue, Cedar County Zoning Administrator at (563) 886-2248.

The Proposed Future Land Use Plan Map and Goals are currently on display in the Cedar County Zoning Office.

**Future Land Use
Plan Meeting At
Courthouse May 18**

A Cedar county Future Land Use plan public input meeting will be held at 6 to 6:30 p.m. Wednesday, May 18 in the large meeting room in the Basement of the Cedar county courthouse in Tipton.

The Public is invited to review draft materials and submit comments. The proposed Future Land Use Plan Map will be on display, as well as the Proposed Future Land Use Plan Goals.

A short presentation about the update of Cedar County's Land Use Plan will begin at 6:10 p.m.

For more information, contact Phil LaRue, Cedar County Zoning Administrator at (563) 886-2248.

The Proposed Future Land Use Plan Map and Goals are currently on display in the Cedar county zoning office. *7/25/05*



Tel: 563-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR
Cedar County Courthouse

Tipton, Iowa 52772

AGENDA

Cedar County Planning & Zoning Commission

Wednesday, May 18, 2005 – **6:00 p.m.**

Basement, Cedar County Courthouse, Tipton, Iowa

I. Introduction

II. Cedar County Future Land Use Plan Public Input Meeting
(6:00 to 6:30 p.m.)

III. Review of the petition received from:

A. Harry Hott, RR, West Branch (Owner) – A change
in zoning from A-1 to R-1 to allow construction of
a single family dwelling

IV. Conclusion



Tel: 563-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR
Cedar County Courthouse

Tipton, Iowa 52772

May 9, 2005

LEGAL NOTICE

The Cedar County Planning & Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, May 18, 2005, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa.

At this time, the Commission will consider the following petition:

1. **Harry Hott, RFD, West Branch (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 34, T-80N, R-4W, in Gower Township, consisting of 1.19 acres more or less.

At said Public Hearing, any person present, and so wishing, will be given the opportunity to be heard, for or against, said petitions. Any person so wishing may file a document with the Cedar County Zoning Administrator prior to the time of the hearing should the person wish the document to be read for them at the time of the hearing.

Phil La Rue
Zoning Administrator

PL:sl

Copies sent out on 5/10/05 to the following:

1. Harry Hott - 339 280th Street, West Branch, Iowa 52358 - Certified
2. Mark & Patricia Minor-Nidey - 1778 Delta Avenue, West Branch, Iowa 52358
3. Marie Anderson - 1704 Charles Avenue, West Branch, Iowa 52358
4. Gweldolyn Kessler & Constance Meyer - 561 E. 3rd Street, West Liberty, Iowa 52776
5. Glen & Cora Pedersen - 663 290th Street, West Liberty, Iowa 52776

7 Zoning Commission Members

1 Copy to Tipton Conservative & West Branch Times on 5/9/05

2 File Copies

Bulletin Board Copy

PROOF OF PUBLICATION

STATE OF IOWA,
Muscatine County } ss.

I, Paulette Theobald, being first duly sworn on oath
depose and say; that I am the office manager of Advocate
News, a newspaper published weekly in the City of Wilton,
Muscatine County, State of Iowa, and that notice of Cedar
County Future Land Use Plan public intent meeting 5/18/
2005

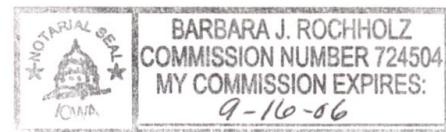
hereto attached and made a part hereof, was published
once each week for 1 week(s) in succession, in said
newspaper, and that the dates of publication were
05/12/2005

and that the copy of said printed notice, hereto attached,
was cut from one of said publications.

Paulette Theobald

Subscribed and sworn to before me this 12th
day of May 2005

Barbara J. Rochholz
Notary Public



CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

May 18, 2005

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, May 18, 2005, at 6:00 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Pruess, Moylan, Schuett, Quinn and Zoning Administrator La Rue. Members absent were Brown, Lamp and Voparil. The members met prior to the regular scheduled Public Hearing at 6:00 p.m., to hold the Cedar County Future Land Use Plan Public Input Meeting. Also in attendance were Jim Gonyier, East Central Intergovernmental Association, and Dan Kohl, an interested land owner.

Jim Gonyier, E.C.I.A., explained the Future Land Use Map to the members. He also presented maps showing residential building permits, residential rezonings and commercial/manufacturing rezonings between 1990 and 2002. Mr. Gonyier stated he went through the goals and policies of the 1980-2000 Comprehensive Plan, making them more clear and added a few more. The goals are to make clear to keep residential growth off prime agricultural land with a high C.S.R. Mr. Gonyier stated the maps show where the county wants to grow. However, he stated that it is not etched in stone and the zoning map could be changed. He also informed the members that the cities were contacted regarding where they expected future growth. The green bluff area surrounding the Cedar River was discussed. The goal is to keep it looking natural and protect the views. In order for the Future Land Use Map to be adopted, the Planning and Zoning Commission and Board of Supervisors will have to adopt the plan. Mr. Gonyier suggested to visit the plan every five years and stated that the map is an important visual key. The maps, when adopted, will be posted in the Planning & Zoning Office and the Board of Supervisors Room.

Chairperson Pruess called the regularly scheduled Public Hearing to order at 6:47 p.m. The Commission members then considered the following petition:

- 1. Harry Hott, RFD, West Branch (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 34, T-80N, R-4W, in Gower Township, consisting of 1.19 acres more or less.

Zoning Administrator La Rue informed the members there were no written or verbal objections on file and advised the members to consider this petition in accordance with Chapter 18.2(3) of the Cedar County Zoning Ordinance in making a recommendation to the Board of Supervisors. He stated there is a letter from the West Branch Fire Department, the soil maps, a letter from the County Engineer and a letter from Mr. Hott explaining the best use of the property. He stated that to the east of the proposed property on 280th Street

there is another rezoning tract, and to the north is a rural residential tract which was a homestead split off the farm. There are no livestock operations within one-quarter mile.

Mr. Hott was present and explained to the members that he currently has a house in this section comprised of approximately 33 acres. He stated he would like to go to the west and build a house and sell the original house with approximately 25 acres. He showed the members on the aerial map where he plans to build. Where he intends to build contains approximately 10 acres when he squares it off. It was noted that the C.S.R. is below 75 points. La Rue stated there are moderate limitations for building. Limitations for septic systems are moderate to severe with severe due to slope. He stated that there may be a high water table in this area. La Rue also informed the members the County Engineer's letter stated no objections and an entrance permit had been approved. There is a hog confinement about one-half mile to the south. Commission member Quinn questioned whether the 25 acres had a potential for subdivision. La Rue stated the ground would be suitable for subdivision. The proposed site is approximately 3 miles from West Branch. La Rue stated the division of this property into two pieces would not be a subdivision, and he recommended there be a plat of survey for both parts. Mr. Hott stated he thought the intent was to rezone closer to two acres instead of 1.19 acres. He stated it made no difference to him except to get the building located on the rezoned tract. The Commission members agreed to the two acre amount. Mr. Hott stated the original house and the driveway contains approximately 1.50 acres. He also stated the driveway entrance for the proposed site is on the top of the hill.

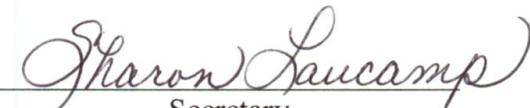
After further discussion, Quinn made a motion to approve the rezoning request from A-1 to R-1 with the stipulation of the amount of acres going to two instead of 1.19. Moylan seconded the motion. Ayes all.

Minutes from the last held meeting held on April 20, 2005, were next discussed. They were previously sent to the members. The minutes were approved as written. La Rue then informed the members that the Board of Supervisors also disapproved the petition the Commission disapproved for John Farmer at the last meeting due to incompatible land use.

With no further business to be discussed at this time, the meeting was adjourned.



Dennis La Rue
Chairperson



Sharon Luecamp
Secretary

LEGAL NOTICE

The Cedar County Board of Supervisors will be conducting a Public Hearing on May 9 and 12, 2005, at 9:00 a.m., in the Board Meeting Room of the Courthouse, Tipton, Iowa.

At this time, the Board will consider the following petitions:

- 1. Murray and LuAnne Sorgenfrey, RR, Tipton (Owners) and Austin and Kelly Sorgenfrey, Durant (Contract Buyers)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the NW ¼ of the NW ¼, Section 31, T-80N, R-2W, in Rochester Township, consisting of 2.44 acres more or less.
- 2. John Farmer, RR, West Branch (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the NE ¼ of the NW ¼ of the NE ¼, Section 4, T-79N, R-3W, in Iowa Township. Said petition is to rezone 1.84 acres of a 10.35 acre tract.

At said Public Hearing, any person present, and so wishing, will be given the opportunity to be heard. However, the Board does request, but does not require, that any person speaking, briefly document or outline the statement and place on file. Time will be allowed during the hearing for a person to prepare such documentation if such time is needed. Any persons wishing a statement read into the hearing for them may file same with the County Auditor prior to the time of the hearing.

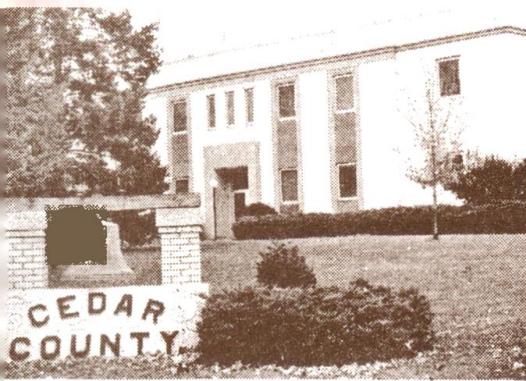
BETTY ELLERHOFF
Cedar County Auditor

Copies sent out on 4/25/05 to the following:

1. Austin & Kelly Sorgenfrey - 1204 5th Street, Durant, Iowa 52747 - Certified
2. Murray & LuAnne Sorgenfrey - 1697 Monroe Avenue, Tipton, Iowa 52772
3. Helen Pentecost - 2017 Newton Avenue, Tipton, Iowa 52772

1. John C. Farmer - 556 290th Street, West Branch, Iowa 52358 - Certified
2. Orville & Iona Reid - 867 280th Street, West Branch, Iowa 52358
3. Andrew & Barbara Elliott - 247 W. Rochester Avenue, Atalissa, Iowa 52720
4. Ethel Worrall Life Estate - % Mark Nash, 264 Paddock Circle, Iowa City, Iowa 52240

Copy to Tipton Conservative & West Branch Times on 4/25/05
Board of Supervisors
2 File Copies
Bulletin Board Copy



Tel: 563-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR
Cedar County Courthouse

Tipton, Iowa 52772

April 4, 2005

LEGAL NOTICE

The Cedar County Planning & Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, April 20, 2005, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa.

At this time the Commission will consider the following petitions:

- 1. Murray and LuAnne Sorgenfrey, RR, Tipton (Owners) and Austin and Kelly Sorgenfrey, Durant (Contract Buyers)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the NW ¼ of the NW ¼, Section 31, T-80N, R-2W, in Rochester Township, consisting of 2.44 acres more or less.
- 2. John Farmer, RR, West Branch (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the NE ¼ of the NW ¼ of the NE ¼, Section 4, T-79N, R-3W, in Iowa Township. Said petition is to rezone 1.84 acres of a 10.35 acre tract.

At said Public Hearing, any person present, and so wishing, will be given the opportunity to be heard, for or against, said petitions. Any person so wishing may file a document with the Cedar County Zoning Administrator prior to the time of the hearing should the person wish the document to be read for them at the time of the hearing.

Phil La Rue
Zoning Administrator

PL:sl

Copies sent out on 4/6/05 to the following:

1. Austin & Kelly Sorgenfrey - 1204 5th Street, Durant, Iowa 52747 - Certified
2. Murray & LuAnne Sorgenfrey - 1697 Monroe Avenue, Tipton, Iowa 52772
3. Helen Pentecost - 2017 Newton Avenue, Tipton, Iowa 52772

1. John C. Farmer - 556 290th Street, West Branch, Iowa 52358 - Certified
2. Orville & Iona Reid - 867 280th Street, West Branch, Iowa 52358
3. Andrew & Barbara Elliott - 247 W. Rochester Avenue, Atalissa, Iowa 52720
4. Ethel Worrall Life Estate - % Mark Nash, 264 Paddock Circle, Iowa City, Iowa 52240

7 Zoning Commission members

Copy to Tipton Conservative and West Branch Times on 4/4/05

2 File Copies

Bulletin Board Copy



Tel: 563-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR
Cedar County Courthouse

Tipton, Iowa 52772

AGENDA

Cedar County Planning & Zoning Commission

Wednesday, April 20, 2005 – **6:30 p.m.**

Basement, Cedar County Courthouse, Tipton, Iowa

I. Introduction

II. Review of the petitions received from:

- A. Murray & LuAnne Sorgenfrey, RR, Tipton (Owners) & Austin & Kelly Sorgenfrey (Contract Buyers) – A change in zoning from A-1 to R-1 to allow construction of a single family dwelling
- B. John Farmer, RR, West Branch (Owner) A change in zoning from A-1 to R-1 to allow construction of a single family dwelling

III. Set meeting date & time for the Land Use Plan Public Input Meeting in May

IV. Conclusion

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

April 20, 2005

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, April 20, 2005, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Pruess, Moylan, Brown, Schuett and Zoning Administrator La Rue. Members absent were Voparil, Lamp and Quinn. Minutes from the previous meeting held on March 16, 2005, were previously sent to the members. Moylan made a motion, with Brown seconding, to approve the minutes as written.

The Commission members then considered the following petitions:

- 1. Murray and LuAnne Sorgenfrey, RR, Tipton (Owners) and Austin and Kelly Sorgenfrey, Durant (Contract Buyers)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the NW ¼ of the NW ¼, Section 31, T-80N, R-2W, in Rochester Township, consisting of 2.44 acres more or less.

Zoning Administrator La Rue informed the members there were no written or verbal objections on file and advised the members to consider this petition in accordance with Chapter 18.2(3) of the Cedar County Zoning Ordinance. La Rue stated that a letter from the I.D.O.T. granted approval of a special access connection permit unto Highway 38. A letter from the Tipton Fire Department stated they will provide fire and rescue services in which they stated it is the builders responsibility to construct and maintain suitable driveways for this service. He stated that the questionnaire for rezoning was adequate. The soil evaluation was reviewed. Foundations for low buildings are moderate. Agricultural crops are slight to moderate and the CSR is below 75 points. Septic tank disposal fields limitations are slight and severe with severe limitations based on slope. He foresees no problem with the installation of a conventional system. La Rue stated that the Comprehensive Plan does discourage scattered residential development when the development won't support the broad range of services. However, this property is on a hard surfaced road and all other information supports the petition.

Murray and LuAnne Sorgenfrey were present and informed the members that their son wants to build on the land. They stated two other sons have built on their ground in the past. La Rue stated he has no objection since it is on a hard surfaced road. There are no livestock operations within one-quarter mile. There are a number of residential properties to the south of the property.

After a brief discussion, Moylan made a motion to approve the rezoning request from A-1 to R-1 for the purpose of a single family dwelling. Schuett seconded the motion. Ayes all.

2. **John Farmer, RR, West Branch (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 4, T-79N, R-3W, in Iowa Township. Said petition is to rezone 1.84 acres of a 10.35 acre tract.

La Rue informed the members there was one verbal objection on file by an adjoining property owner. He advised the members to consider this petition in accordance with Chapter 18.2(3) of the Zoning Ordinance in making a recommendation to the Board of Supervisors. He stated that the questionnaire was answered satisfactory. A letter from the West Branch Fire Department stated they can provide emergency fire and rescue response to the property. The letter from the County Engineer stated he had no concerns regarding the driveway and an entrance permit had been approved. The CSR on the property is 74 points. The soil evaluation was reviewed. Septic system limitations are slight to moderate. La Rue stated they may encounter a high water table in this area so a curtain tile may need to be installed around the absorption field. Foundations for low buildings are moderate limitations.

John Farmer and his fiancé were present and Mr. Farmer informed the members that they are going to get married in June and would like to build a house on the property. He stated he grew up in Springdale and they have family in the area. He stated that they bought 10.3 acres from his family's estate. There are government wood lots adjacent to the property and all surrounding property is zoned A-1 Agricultural. The area to the east, belonging to Tom Reid, is a farm operation. Access to the property was discussed. La Rue explained to Mr. Farmer that, generally for access, the Commission and the Board of Supervisors like to see rezoning tracts be contiguous to a road. Mr. Farmer explained the aerial photo map to the members. The members questioned if the petitioners are familiar with living on a gravel road and the dust created by same. Snow removal on a dead end road was also mentioned. Mr. Farmer stated they are willing to take responsibility to help themselves out of an emergency situation if needed. It was noted there are livestock on the Tom Reid farm. Mr. Reid was present and stated he feeds out fat cattle 350 feet from the fence, has a confinement building and a shed where he currently raises hogs. He stated he feels that the petitioner is too close to his feeding operation. He is also concerned about what happens in the future if the property is sold. There is a potential for over 500 head of livestock on the property.

La Rue stated it is the nuisance nature of some of the farming operations that cause conflict between agricultural and residential land uses. It was noted that water drainage flows away from the potential new home, but across the property. The members noted the drainage flow on the map. This drainage originates in Mr. Reid's livestock yards. Mr. Reid then stated there are three pipelines which go through the property just outside the area to be rezoned. La Rue stated an access will need to have approval of the utility company to cross. The access is to the east end which has been approved by the county engineer. La Rue was asked by the members if there are other rezoned properties in the area. La Rue stated there are not any immediately in this area but there are rural residentially used properties. Commission member Moylan questioned what recourses a future owner would have with Mr. Reid when he was already existing. La Rue stated that, from a zoning standpoint, he can not impose any regulations on agriculturally used property. He stated the supreme courts have ruled that farms are exempt from zoning and can not create a nuisance. He stated the operation would be supported in court. However, that does not mean the farmer would not have to defend himself in court. The easements for pipelines were discussed but no one knew what these easements are. La Rue stated the members could request, in making a recommendation to the Board of Supervisors, that Mr. Farmer provide documentation from the pipeline company on the easement and what their requirements on crossing that easement would be. The members expressed concern about compatibility. It was suggested Mr. Farmer purchase additional land so the home could be located further west and be further away from the livestock operation. Mr. Farmer stated the family does not want to sell additional adjoining land at this time. It was also suggested that Mr. Farmer contact the family for a trade in property. Mr. Farmer again stated he did not believe it could be feasible at this time. The Commission feels the request does not fall within the proposed growth pattern and infringes on the right to farm. They felt there were too many issues, such as livestock, run-off, dryers, etc. to approve the request.

After further discussion, Brown made a motion to deny the rezoning request due to the farm operations being immediately adjacent to the proposed tract of land, ownership compatibility and no information provided regarding the easements. Moylan seconded the motion. Ayes all.

Zoning Administrator La Rue then informed the Commission that he and Jim Gonyier, E.C.I.A, recently met with the Board of Supervisors and presented them the policies and goals for the Future Land Use Map and the Comprehensive Plan. He stated the Supervisors seemed receptive and agreed that the Planning and Zoning Commission

can hold a public input meeting. He then stated he was proposing that the meeting be held at 6:00 p.m., on May 18, 2005, prior to the regularly scheduled P & Z meeting. He stated it would be advertised that people were welcome to attend to view the future Land Use Map with plans and goals. Copies of the plans and goals would be available for them to review on the policies. La Rue showed the members where the potential growth patterns were on the map. A brief discussion was held.

With no further business to be discussed at this time, Moylan made a motion for adjournment. Brown seconded the motion. Ayes all.

Dennis Pruess
Chairperson

Sharon Saucamp
Secretary

LEGAL NOTICE

The Cedar County Board of Supervisors will be conducting a Public Hearing on April 4 and 11, 2005, at 10:00 a.m., in the Board Meeting Room of the Courthouse, Tipton, Iowa.

At this time, the Board will consider the following petitions:

- 1. Alan and Allison Kamerling, RFD, Lisbon (Owners) and Brian and Amy Hall, RFD, Lisbon (Contract Buyers)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of a single family dwelling on a proposed one (1) lot subdivision located in Lot 3, Clark's Subdivision, in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 18, T-82N, R-4W, in Pioneer Township, consisting of 1.19 acres more or less.
- 2. Jason and Alicia Tjarks, RR, West Branch (Owners) and Enrique and Carrie Rodriguez, Iowa City (Contract Buyers)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of a single family dwelling on property located in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 4, T-80N, R-4W, in Gower Township, consisting of 1.80 acres more or less.
- 3. Troy Mente, RR, Tipton (Owner)** – Requesting approval of a Preliminary Plat of Survey for a sixteen (16) lot subdivision, Cedar Valley Heights, located in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 16, T-80N, R-3W, in Center West Township, consisting of 36.70 acres more or less. Said property is currently zoned R-1 Suburban Residential.

At said Public Hearing, any person present, and so wishing, will be given the opportunity to be heard. However, the Board does request, but does not require, that any person speaking, briefly document or outline the statement and place on file. Time will be allowed during the hearing for a person to prepare such documentation if such time is needed. Any persons wishing a statement read into the hearing for them may file same with the County Auditor prior to the time of the hearing.

BETTY ELLERHOFF
Cedar County Auditor

Copies sent out on 3/21/05 to the following:

1. Alan & Allison Kamerling - 271 Adams Avenue, Lisbon, Iowa 52253 - Certified
2. Brian & Amy Hall - 295 Adams Avenue, Lisbon, Iowa 52253 - Certified
3. Michael & Lynn Bergman - P.O. Box 432, Lisbon, Iowa 52253
4. Mark Graver - 1618 High View Drive, Mt. Vernon, Iowa 52314
5. Virgil & Wanda Clark - 115 South Jackson, Lisbon, Iowa 52253
6. Mark & Heidi Godfrey - 10 Valley Forge Drive, Lisbon, Iowa 52253
7. Matt & Jenny Wahlstrom - 9 Valley Forge Drive, Lisbon, Iowa 52253
8. Eric & Stacy Krob - 260 Adams Avenue, Lisbon, Iowa 52253
9. Malcom & Peggy Kimble - 265 Adams Avenue, Lisbon, Iowa 52253
10. Donald & Mary Sievers - 293 Adams Avenue, Lisbon, Iowa 52253
11. William & Cheryl Hardman - 261 Adams Avenue, Lisbon, Iowa 52253
12. Scott & Lori Taylor - 6078 130th Street, Onslow, Iowa 52321
13. Penny Eckrich Et Ali - 1824 400th Street SW, Oxford, Iowa 52322
14. Gary & Mary Franck - 0031 130th Street, Lisbon, Iowa 52253

1. Jason & Alicia Tjarks - 2059 Hannah Jo Court, Iowa City, Iowa 52240 - Certified
2. Enrique & Carrie Rodriguez - 2622 Whispering Meadow Drive, Iowa City, Iowa 52240 - Certified
3. Timothy & Margaret Juels - 351 S. Maple Street, West Branch, Iowa 52358
4. Alfred & Darleen Worrell - 1220 Plato Road, West Branch, Iowa 52358
5. Rich & Mary Loughran - 917 Juniper Drive, Iowa City, Iowa 52245
6. Robert Kessler - 1293 Charles Avenue, West Branch, Iowa 52358

1. Troy Mente - 1117 Stonemill Road, Tipton, Iowa 52772 - Certified
2. Ellouise G. Rekemeyer - 891 Cedar Valley Road, Tipton, Iowa 52772
3. Reggie Farms, Inc. - 938 305th Street, Atalissa, Iowa 52720
4. Stephen & Cheryl Person - 1402 Jackson Avenue, Tipton, Iowa 52772
5. Frederick & Arlene Kaebring - 410 E. 10th Street, Tipton, Iowa 52772
6. Michael & Julie Kaebring - P.O. Box 387, Tipton, Iowa 52772
7. Darren & Diana Zabloudil - 313 Salem Street, Blue Grass, Iowa 52726

1 Copy to Tipton Conservative and West Branch Times on 3/21/05

1 Copy e-mailed to Bev Penningroth for Board of Supervisors

2 File Copies

2 Copies for Bulletin Boards



Tel: 563-886-2248

AGENDA

Cedar County Planning & Zoning Commission

Wednesday, March 16, 2005 – 6:30 p.m.

Basement, Cedar County Courthouse, Tipton, Iowa

I. Introduction

II. Review of the petitions received from:

- A. Alan & Allison Kamerling, RFD, Lisbon (Owners) – A change in zoning from A-1 to R-1 to allow construction of a single family dwelling on a proposed one (1) lot subdivision
- B. Jason & Alicia Tjarks, RR, West Branch (Owners) and Enrique & Carrie Rodriguez, Iowa City (Contract Buyers) – A change in zoning from A-1 to R-1 to allow construction of a single family dwelling
- C. Troy Mente, RR, Tipton (Owner) – Approval of a Preliminary Plat of Survey for a sixteen lot (16) subdivision, Cedar Valley Heights
Said property is currently zoned R-1
- D. Prairie View Partners LLC, Tipton (Owners) – Approval of a Preliminary Plat of Survey for a twenty seven (27) lot subdivision, Prairie View
Said property is currently zoned R-2

III. Conclusion

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

March 16, 2005

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, March 16, 2005, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse. Members present were Brown, Voparil, Quinn, Lamp, Moylan, Pruess and Zoning Administrator La Rue. Member absent was Schuett. Minutes from the previous meeting held on January 19, 2005, were previously sent to the members. Commission member Brown requested a correction to the minutes stating that it was a law regarding not discharging firearms within 200 yards of a residence rather than that he expressed concern. Brown made a motion for the correction to the minutes and Voparil seconded the motion. Ayes all.

The Commission members then considered the following petitions:

- 1. Alan and Allison Kamerling, RFD, Lisbon (Owners) and Brian and Amy Hall, RFD, Lisbon (Contract Buyers)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of a single family dwelling on a proposed one (1) lot subdivision located in Lot 3, Clark's Subdivision, in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 18, T-82N, R-4W, in Pioneer Township, consisting of 1.19 acres more or less.

Zoning Administrator La Rue informed the members that there were no written or verbal objections on file and advised the members to consider this petition in accordance with Chapter 18.2(3) of the Cedar County Zoning Ordinance when making a recommendation to the Board of Supervisors. He stated that he had the questionnaire for rezoning, the letter from the Lisbon Fire Department which stated they will provide fire and rescue service, a letter from the Cedar County Engineer stating that there will be a little change to the driveway and no major road concerns. The existing entrance may be utilized when the owners alter the entrance to conform with current regulations. The soil evaluation was reviewed. Limitations for septic systems are moderate to severe. Limitations for residential development were moderate to severe. Limitations for agricultural farm crops were slight to severe. La Rue stated that it would be his recommendation, that because this property is in an extensively zoned residential area, is in the area selected under the land use plan for future development, is on a hard surfaced road and is contiguous on three sides to residential property, it would comply with the Comprehensive Plan. He stated that he recommends the lot size proposal be increased in width east and west so that the home could be sited in the Downs Silt Loam soil making a better chance for a dry basement and a successful septic system.

Alan Kamerling was present and stated that he would like to change the zoning on approximately 1.50 acres to R-1 from A-1. There are no livestock facilities in the area. He also stated that there would not be a problem in increasing the lot size. La Rue informed the members that the access lies immediately to the south of the area to be rezoned. La Rue stated there does need to be a change to the slopes. County Engineer Rob Fangmann stated that the slopes need to be flattened to meet current criteria which has been agreed upon. It was noted that the house will be on the borderline of a flood plain area. La Rue stated that he does not feel there will be a problem if the house is placed further west and up the slope. He proposes that the existing 200 feet wide lot be increased to 250 to 300 feet west from the north boundary as an extra measure to protect property and family.

After further discussion, Lamp made a motion to approve the rezoning request from A-1 to R-1, with the appropriate increase in the lot size to the west. Voparil seconded the motion. Ayes all.

2. Jason and Alicia Tjarks, RR, West Branch (Owners) and Enrique and Carrie Rodriguez, Iowa City (Contract Buyers) – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of a single family dwelling on property located in the SW ¼ of the SW ¼, Section 4, T-80N, R-4W, in Gower Township, consisting of 1.80 acres more or less.

La Rue informed the members that there was one written objection on file for this petition and advised the members to review the petition in accordance with Chapter 18.2(3) of the Zoning Ordinance in making a recommendation to the Board of Supervisors. He stated there was a letter from the West Branch Fire Department that they will provide fire and rescue service to the site. He also stated that the Rodriguez' had addressed all questions in the questionnaire and have adequately expressed what their proposals will be. He stated it appears that they will be requesting a 40' access or easement back to their tract of land which does comply with what the Commission would like. Soil evaluation was discussed. There are moderate & severe limitations for septic systems, with limitations due only to slope. For residential development, the limitations are moderate to severe. The C.S.R. is less than 75 points. La Rue then read the letter of objection received from Robert Kessler. He then informed the members that the letter from the County Engineer stated this property is on a gravel road and should not cause any road concerns. The engineer's letter stated that an existing dry-fill entrance must be moved to it's original approved location in order to accommodate the appropriate sight distance. La Rue stated he has a letter from Mr. Tjarks stating that the entrance will

be moved. He stated he would recommend that any approval be contingent upon the entrance being relocated directly across from the entrance to the west. He also informed the members that there is a residential use in the area.

Carrie Rodriguez was present and explained their intention to build a single family dwelling. She stated that the Tjarks' plan to do a one time split off their farm in order for the Rodriguez' to build their home. La Rue was asked what residential uses were within one-half mile. He informed the members that there was a change in zoning granted in 1996 to the west and Robert Kessler built his home to the south. He also stated the Nicholsen Subdivision is located to the south. He stated there are two lots yet to be built upon. Access and easement items were discussed. Pruess questioned if the 40' easement in rolling ground is enough. The Tjarks' & Rodriguez' will be merging to the same access unto Charles Avenue. There are no livestock facilities in the area. County Engineer Fangmann informed the members that the impact on the county road is relatively small. The members again expressed concern about the need for a wider easement in coming off of Charles Avenue into the drive.

After further discussion, Quinn made a motion to approve the rezoning request from A-1 to R-1 and recommended that there be a 60' easement on the access. Lamp seconded the motion. Ayes 3 and 2 nays.

3. **Troy Mente, RR, Tipton (Owner)** – Requesting approval of a Preliminary Plat of Survey for a sixteen (16) lot subdivision, Cedar Valley Heights, located in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 16, T-80N, R-3W, in Center West Township, consisting of 36.70 acres more or less. Said property is currently zoned R-1 Suburban Residential.

Dale Hawkins, Realtor, and Steve Laughlin, Engineer, represented Mr. Mente in his absence.

La Rue informed the members there were no written or verbal objections on file and advised the members to consider this request in accordance with Chapters 2, 3, 6, 7 & 8 of the Cedar County Subdivision Ordinance. He also stated that the Planning and Zoning Commission recommended the change in zoning on August 11, 2004, to the Board of Supervisors. The Board of Supervisors approved the rezoning request on September 9, 2004. La Rue stated all documents have been received and are correct.

He then read the letter received from the County Engineer stating that this proposed subdivision is located on paved route Cedar Valley Road and gravel route Ivory Avenue. All existing entrances shall be removed before home construction begins. An approved entrance east of the existing

dryfill entrance may serve as the primary access to the subdivision. The future maintenance of this entrance, including the culvert, is to become the responsibility of the subdivision association. Lots 1-3 must share a pre-approved entrance as illustrated on the preliminary plat on the crest of the hill. Lot 4 may access Ivory Avenue from the northwest corner of the lot on the crest of the hill. He stated that there is not a need for the access easement in Lot 5. Lot 16 must gain an easement from the adjacent land owner to the east and share an access to Cedar Valley Road. Mr. Fangmann's letter stated that these additional entrances are being allowed due to the limitations caused by the topography of the area. La Rue stated that the Board of Supervisors expressed some concern about the C.S.R. on some of the property. There was a portion of the property which has a C.S.R. above 75 points. La Rue then stated that a letter addressed to Steve Laughlin from Eastern Iowa Light and Power stated that the easements on the preliminary plat will meet their needs and requirements. Road access was then discussed. La Rue expressed concern about Lot 16 because of drainage going through the lot and access has not yet been secured from Fred and Mike Kaebring. Mr. Laughlin informed the members how each lot will obtain access. Rob Fangmann explained the access easements. He stated that Lot 4 access was checked to be a single family dwelling and Lots 1, 2 & 3 were checked for a minor subdivision which met the criteria. Regarding the main drive coming off of Cedar Valley Road, he stated that the reason for his request that it become the property of the subdivision and the subdividers is that there is an existing dry-fill which was created when Secondary Road Department resurfaced the road, and is a very good entrance, but the subdivider feels it does not necessarily fit with the whole scheme of lots. La Rue asked Mr. Laughlin and Rob Fangmann why the road right-of-way is 66' and not 80' on the interior road. Mr. Fangmann stated that he went off the Ordinance and felt that 66' was adequate as compared to what Secondary Road Department requires on all county roads. Mr. Fangmann then stated that the road surface is proposed to be a macadam base with a double seal coat temporarily until construction is done and then looking at an asphalt or concrete design. Mr. Laughlin stated that Mr. Mente wants a seal coat first and then paving. The Homeowners Association will assume responsibility for the road and it's maintenance when it is turned over to them. Rob Fangmann stated he and the Board of Supervisors are very adamant about not taking over road responsibility in subdivisions. La Rue then stated that according to Chapter 3, this proposed project does follow the Comprehensive Plan. Mr. Laughlin then stated the utilities will come in adjacent to the interior road right-of-way. Laughlin stated that with a 66' road right-of-way, they will get a 22' top, 4' shoulders and shallow ditches at 2 to 3'. Secondary Road Department will inspect the road construction through phases. La Rue stated his department will be issuing private water well permits and will confirm they are located where they were platted.

He also stated he needs to be notified when water distribution systems go in so that he can make an inspection. He will also request Mr. Laughlin to prepare drawings as improvements go in.

Mr. Laughlin then stated he too also wants to keep certification on road surfacing and is willing to work with the Secondary Road Department. The Commission members expressed they were impressed with the presentation and plans, with everyone working together. County Engineer Fangmann then stated he wants for the record, that if Lot 16 were to be built, he wants it on the plans that it is contingent upon access from the neighbor and not an access off of Cedar Valley Road. He stated that if that easement is not secure before the Final Plat, he wants to know.

After further discussion, Lamp made a motion to approve the Preliminary Plat based upon the County Engineer's stipulation. Moylan seconded the motion. All ayes with Brown voting nay.

4. **Prairie View Partners LLC, Tipton (Owners)** – Requesting approval of a Preliminary Plat of Survey for a twenty seven (27) lot subdivision, Prairie View, located in the S ½ of the NW ¼, Section 1, T-80N, R-3W, in Center West Township, consisting of 55.00 acres more or less. Said property is currently zoned R-2 Urban Residential.

La Rue informed the members there were no written or verbal objections on file for this petition. He stated this property was rezoned back on September 3, 1974, by Jack Reeve. He stated that he has the soil evaluation on file but some documents are missing. He stated the subdivision will have to be reviewed by the City of Tipton and is presently zoned R-2. The City of Tipton will make the decision if this subdivision is to be annexed into the city. There are no sewer mains around the west side of Tipton yet. La Rue stated the subdivision is proposed to be served by four wells, but recommends city water.

Philip Hargrave and Kevin Kofron were present and explained that they need to get information from the county so they can take it to the City of Tipton. They stated that their plans depend a lot on what the City of Tipton wants them to do with the street and improvements. Mr. Kofron stated that the City Engineer has not had a chance to review the plans. He stated that the Zoning Board for the City of Tipton tabled the petition until next month. He stated Dick Schrad mentioned that if the City of Tipton annexed the property, he wondered if they would require standard curb and gutter concrete streets, if the City of Tipton takes over ownership after completion. Mr. Hargrave and Kofron would like a chip and seal road that they would be responsible to maintain without city and county tax dollars. They stated they

have to go through the city corporate limits to get to the property and that they have only one access to the property at this time. They informed the members they are having trouble getting any information from the City. Mr. Hargrave stated that the City says they are not in city property so they had to come to the county first before going to the City. The members felt that they will only be approving a concept. La Rue then read the letter from Rob Fangmann which stated the request is to be accessed from the gravel route near 3rd Street which is the jurisdiction of the City of Tipton. He also stated that since the subdivision proposal does not request access onto a Cedar County roadway, he deferred approval of the subdivision until he gets a consensus on whom has ultimate jurisdiction. Mr. Hargrave and Kofron stated that their concept was to have larger lots from 1 to 1.75 acres which need to be engineered and drained. Again, they stated they have not gotten any response from the City of Tipton within the last two years about the requirements. La Rue then stated, that after reviewing the Comprehensive Plan and the Subdivision Ordinance, he could see several scenarios. He feels the subdivision should have city water, and with the lot size, he has no objection with individual sewers. He feels that the City will want it sewer with the City of Tipton. He stated the Comprehensive Plan says fairly clearly that the City needs to be intimately involved within the 2 mile radius. He stated because documents are missing, the Commission would probably have to recommend that the petition be tabled until the documents are completed for a recommendation from the City and a recommendation be given from the City before it goes before the Board of Supervisors. The Commission could also recommend that the petition be denied at this time based upon it being incomplete and no approval has been given by the City of Tipton. They could also acknowledge that they like the conceptual plan and would not recommend it going before the Board of Supervisors until the City of Tipton has reviewed the documents. He stated the Commission could recommend that the subdivision be annexed into the City. La Rue stated the idea is going to crash if the City of Tipton does not deal with the road situation because it does not go onto the Secondary Road system at all. La Rue also stated the Commission may need the assistance of the County Attorney's Office for legal direction pertaining to the road, water and sewer. The petitioners stated their legal representation suggested starting with the County since it was county ground. They again stated that they want conceptual approval from the County to take to the City of Tipton. La Rue then recommended this petition be tabled with favorable outcome and does comply with the County's Comprehensive Plan for orderly compact development, but depends on clarification from the City on several points for approval to be given by the Commission

to the Board of Supervisors. La Rue suggested they need to file all the documents that are required according to the City Subdivision Ordinance with the City because, once they are filed, they will have have to act upon it. County Engineer Fangmann then stated that the Preliminary Plat shows there to be a 6" crushed stone with a double seal coat. He would like a minimum of 6" macadam base.

After further discussion, Brown made a motion that the petition be tabled for a period of up to 90 days so that the required documents be provided, as per the subdivision ordinance, and a review from the City of Tipton be completed. Voparil seconded the motion. Ayes all.

With no further business to be discussed at this time, the meeting was adjourned.

Dawn Powers
Chairperson

Sharon Laucamp
Secretary



Tel: 563-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR
Cedar County Courthouse

Tipton, Iowa 52772

March 7, 2005

LEGAL NOTICE

The Cedar County Planning & Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, March 16, 2005, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa.

At this time, the Commission will consider the following petitions:

- 1. Alan and Allison Kamerling, RFD, Lisbon (Owners) and Brian and Amy Hall, RFD, Lisbon (Contract Buyers)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of a single family dwelling on a proposed one (1) lot subdivision located in Lot 3, Clark's Subdivision, in the NE ¼ of the SW ¼ of the SW ¼, Section 18, T-82N, R-4W, in Pioneer Township, consisting of 1.19 acres more or less.
- 2. Jason and Alicia Tjarks, RR, West Branch (Owners) and Enrique and Carrie Rodriguez, Iowa City (Contract Buyers)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of a single family dwelling on property located in the SW ¼ of the SW ¼, Section 4, T-80N, R-4W, in Gower Township, consisting of 1.80 acres more or less.
- 3. Troy Mente, RR, Tipton (Owner)** – Requesting approval of a Preliminary Plat of Survey for a sixteen (16) lot subdivision, Cedar Valley Heights, located in the SE ¼ of the NE ¼, Section 16, T-80N, R-3W, in Center West Township, consisting of 36.70 acres more or less. Said property is currently zoned R-1 Suburban Residential.
- 4. Prairie View Partners LLC, Tipton (Owners)** – Requesting approval of a Preliminary Plat of Survey for a twenty seven (27) lot subdivision, Prairie View, located in the S ½ of the NW ¼, Section 1, T-80N, R-3W, in Center West Township, consisting of 55.00 acres more or less. Said property is currently zoned R-2 Urban Residential.

Copies sent out on 3/8/05 to the following:

1. Alan & Allison Kamerling - 271 Adams Avenue, Lisbon, Iowa 52253 - Certified
2. Brian & Amy Hall - 295 Adams Avenue, Lisbon, Iowa 52253 - Certified
3. Michael & Lynn Bergman - P.O. Box 432, Lisbon, Iowa 52253
4. Mark Graver - 1618 High View Drive, Mt. Vernon, Iowa 52314
5. Virgil & Wanda Clark - 115 South Jackson, Lisbon, Iowa 52253
6. Mark & Heidi Godfrey - 10 Valley Forge Drive, Lisbon, Iowa 52253
7. Matt & Jenny Wahlstrom - 9 Valley Forge Drive, Lisbon, Iowa 52253
8. Eric & Stacy Krob - 260 Adams Avenue, Lisbon, Iowa 52253
9. Malcomb & Peggy Kimble - 265 Adams Avenue, Lisbon, Iowa 52253
10. Donald & Mary Sievers - 293 Adams Avenue, Lisbon, Iowa 52253
11. William & Cheryl Hardman - 261 Adams Avenue, Lisbon, Iowa 52253
12. Scott & Lori Taylor - 6078 130th Street, Onslow, Iowa 52321
13. Penny Eckrich Et Ali - 1824 400th Street SW, Oxford, Iowa 52322
14. Gary & Mary Franck - 0031 130th Street, Lisbon, Iowa 52253

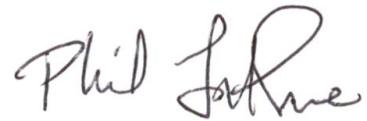
1. Jason & Alicia Tjarks - 2059 Hannah Jo Court, Iowa City, Iowa 52240 - Certified
2. Enrique & Carrie Rodriguez - 2622 Whispering Meadow Drive, Iowa City, Iowa 52240
3. Timothy & Margaret Juels - 351 S. Maple Street, West Branch, Iowa 52358
4. Alfred & Darleen Worrell - 1220 Plato Road, West Branch, Iowa 52358
5. Rich & Mary Loughran - 917 Juniper Drive, Iowa City, Iowa 52245
6. Robert Kessler - 1293 Charles Avenue, West Branch, Iowa 52358

1. Troy Mente - 1117 Stonemill Road, Tipton, Iowa 52772 - Certified
2. Ellouise G. Rekemeyer - 891 Cedar Valley Road, Tipton, Iowa 52772
3. Reggie Farms, Inc. - 938 305th Street, Atalissa, Iowa 52720
4. Stephen & Cheryl Person - 1402 Jackson Avenue, Tipton, Iowa 52772
5. Frederick & Arlene Kaebring - 410 E. 10th Street, Tipton, Iowa 52772
6. Michael & Julie Kaebring - P.O. Box 387, Tipton, Iowa 52772
7. Darren & Diana Zabloudil - 313 Salem Street, Blue Grass, Iowa 52726

1. Phillip D. Hargrave - 301 Cedar Street, Tipton, Iowa 52772 - Certified
2. Kevin Kofron - 301 Locust Street, Tipton, Iowa 52772 - Certified
3. Bessie, Robert & Richard Brennan - 1128 220th Street, Tipton, Iowa 52772
4. Raymond & Barbara Vitense - 1152 220th Street, Tipton, Iowa 52772
5. Tipton Country Club - P.O. Box 9, Tipton, Iowa 52772
6. Jeffrey & Cheryl Little - 1275 West 3rd Street, Tipton, Iowa 52772
7. Prairie View Partners, L.C. - 309 Cedar Street, Tipton, Iowa 52772
8. Barbara J. Smith - 423 Cedar Street, Tipton, Iowa 52772
9. Dewey Petersen & Henrietta Fields - 217 East 10th Street, Tipton, Iowa 52772
10. City of Tipton - Doug Boldt or Dick Schrad, 407 Lynn Street, Tipton, Iowa 52772
11. Robin & Linda Thompson - 1139 Airport Road, Tipton, Iowa 52772
12. Elmer & Delores Kunde - 1141 Airport Road, Tipton, Iowa 52772

Copy to Tipton Conservative & West Branch Times on 3/7/05
7 Zoning Commission members
2 copies for files
Bulletin Board copy

At said Public Hearing, any person present, and so wishing, will be given the opportunity to be heard, for or against, said petitions. Any person so wishing may file a document with the Cedar County Zoning Administrator prior to the time of the hearing should the person wish the document to be read for them at the time of the hearing.



Phil La Rue
Zoning Administrator

PL:sl

OFFICE OF THE CEDAR COUNTY HEALTH DEPARTMENT
Cedar County Courthouse

Tipton, Iowa 52772

February 11, 2005

TO: CEDAR COUNTY PLANNING & ZONING COMMISSION MEMBERS

I am writing to inform you that there will not be a meeting of the Planning and Zoning Commission during the month of February because no petitions have been received.

Sincerely,



Phil La Rue /sl

Phil La Rue
Zoning Administrator

PL:sl

LEGAL NOTICE

The Cedar County Board of Supervisors will be conducting a Public Hearing on February 3 and 7, 2005, at 10:00 a.m., in the Board Meeting Room of the Courthouse, Tipton, Iowa.

At this time, the Board will consider the following petitions:

- 1. Edgewood Land Co., RFD, West Branch (Owners)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of single family dwellings on a proposed two (2) lot subdivision located in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 30, T-79N, R-4W, in Springdale Township. Said petition is to rezone a total of 2.00 acres of a 3.84 acre subdivision.
- 2. Edgewood Land Co., RFD, West Branch (Owners)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of a single family dwelling on a proposed one (1) lot subdivision located in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 15, T-80N, R-4W, in Gower Township. Said petition is to rezone a total of 1.00 acre of a 4.74 acre subdivision.
- 3. Keith Owens, RFD, Wilton (Owner)** – Requesting a change in zoning from C-1 Local Commercial to R-1 Suburban Residential for the purpose of allowing construction of a single family dwelling on property located in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 36, T-79N, R-2W, in Sugar Creek Township, consisting of 1.36 acres more or less.

At said Public Hearing, any person present, and so wishing, will be given the opportunity to be heard. However, the Board does request, but does not require, that any person speaking, briefly document or outline the statement and place on file. Time will be allowed during the hearing for a person to prepare such documentation if such time is needed. Any persons wishing a statement read into the hearing for them may file same with the County Auditor prior to the time of the hearing.

BETTY ELLERHOFF
Cedar County Auditor

Copies sent out on 1/25/05 to the following:

1. Edgewood Land Company - % Lyle Waters, 143 Buckeye Road, West Branch, Iowa 52358 - Cert d
2. Paula Secrest Griffin - 55 330th Street, West Branch, Iowa 52358
3. Fobian Farms, Inc. - 3639 Oasis Rd. NE, West Branch, Iowa 52358
4. Eleanor Secrest - 2303 Baker Avenue, West Branch, Iowa 52358
5. Ronald & Donna Hillis - P.O. Box 611, West Branch, Iowa 52358
6. Robert Berkenpas & Pamela Seaton - 75 330th Street, West Branch, Iowa 52358
7. Randy, Rebecca & Bryan Oaks - 2277 Adams Street, West Branch, Iowa 52358
8. Albert & Delores Wagner - 53 330th Street, West Branch, Iowa 52358

1. Edgewood Land Company - % Lyle Waters, 143 Buckeye Road, West Branch, Iowa 52358 - Certiified
2. Bryan & Bertha Brook - 361 250th Street, West Branch, Iowa 52358
3. David & Le Ann Tatman - 369 250th Street, West Branch, Iowa 52358
4. Gerald & Blanche Stout - 1924 Highway 38, Tipton, Iowa 52772
5. Robert & Judy Wright - 1434 Plato Road, West Branch, Iowa 52358
6. Gary Stout - 1151 250th Street, West Branch, Iowa 52358
7. Kelly & Kevin Greer - 379 250th Street, West Branch, Iowa 52358
8. Brent & Deborah Donohoe - 1453 Plato Road, West Branch, Iowa 52358

1. Keith & Lois Owens - P.O. Box 995, Wilton, Iowa 52778 - Certified
2. W-G Realty, Inc. - 3113 Marigold Trail, Norman, OK 73072
3. Rolland Moeller - 2348 Spicer, P.O. Box 521, Wilton, Iowa 52778
4. Kristine Ann Emery/Phyllis Ann Dahlgren Trust - P.O. Box 2457, Lake Ozark, MO 65049
5. Albert & Carole Walton - 2342 Highway 38, Wilton, Iowa 52778
6. Donald & Judy Ohrt - 2355 Spicer Avenue, Wilton, Iowa 52778
7. James McKiddy - 2357 Spicer Avenue, Wilton, Iowa 52778
8. Henry Warner - 2359 Spicer Avenue, Wilton, Iowa 52778

1 copy to Tipton Conservative, West Branch Times & Wilton Durant Advocate News on 1/24/05
Board of Supervisors
Bulletin Board Copy
2 File Copies

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

January 19, 2005

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, January 19, 2005, at 6:30 p.m., in the Large Meeting in the basement of the Cedar County Courthouse. Members present were Pruess, Voparil, Brown, Schuett and Quinn. Members absent were Lamp and Moylan. Minutes from the previous meeting held on December 15, 2004, were previously sent to the members. The minutes were approved as written.

The meeting was called to order at 6:30 p.m., by Chairperson Pruess. The members then considered the following petitions:

- 1. Edgewood Land Co., RFD, West Branch (Owners)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of single family dwellings on a proposed two (2) lot subdivision located in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 30, T-79N, R-4W, in Springdale Township. Said petition is to rezone a total of 2.00 acres of a 3.84 acre subdivision.

At the request of Paula Griffin, Secretary Laucamp read into the minutes the e-mail received from Ms. Griffin. The note requested that the meeting would be held over until they could attend in person because they were on vacation. Glen and Lyle Waters were present and explained that they are taking a 3.84 acre tract out of production for the proposed subdivision which is the least productive. The plan is to create two lots for two single family dwellings, each being approximately a little less than 2.00 acres. The letter from the county engineer stated that a new driveway was recently installed and he did not see any problems. Glen Waters stated that each proposed site has its own access which have been approved off of 330th Street. The West Branch Fire Department will provide protection for the two proposed homes. The soil inventory was discussed. Limitations for agricultural farm crops are moderate. Limitations for septic systems and buildings are moderate to severe. C.S.R. was 68 and a portion of it is 88 points which may actually be below 75 points. There is a low lying area which is off of the two lots. Glen Waters informed the members that the engineering firm who performed the percolation tests stated that they were confident that both lots have soil which will support the installation and use of conventional wastewater treatment systems. The engineering firm also stated that there is enough Downs Silt Loam on each lot to use conventional systems. There are no livestock operations within 1320 feet. The proposed lots are adjacent to residentially zoned properties and are less than one-quarter mile from Downey. There will be driveways back to the homes. Chairperson Pruess then stated that the petition being discussed was open to comments from the audience.

No comments were made. The Commission members felt that the proposed site does fall within an area where growth is promoted. Glen Waters stated that each lot will have its own septic system but there may be a shared well. The members questioned if the Waters' had plans for additional projects in this area. Mr. Waters stated that there were none that he was aware of at this time. Mr. Waters stated that there may be a site in the field which would be adjacent to the town of Downey. There is no fence agreement at this time. Glen Waters stated that they are in the process of getting a fence agreement. The Waters' were questioned what Paula Griffin's concerns might be. The Waters' stated that they had not talked with her.

After further discussion, Schuett made a motion to recommend approval of the change in zoning from A-1 to R-1 to the Board of Supervisors. Voparil seconded the motion. Ayes all.

2. **Edgewood Land Co., RFD, West Branch (Owners)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of a single family dwelling on a proposed one (1) lot subdivision located in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 15, T-80N, R-4W, in Gower Township. Said petition is to rezone a total of 1.00 acre of a 4.74 acre subdivision.

Glen Waters informed the members that this request is for a proposed 4.74 acre subdivision. The subdivision will contain one lot for a single family dwelling. He stated that every acre at the site is currently enrolled in the CRP program. He stated that the majority of the land is highly erodable. The ground is in the second enrollment of the CRP Program, and therefore, has not been seeded down for approximately 17 years. The primary soil type is Fayette Silt Loam with a CSR of 68 points. On the east side of the property there is a 12 acre subdivision with a single family dwelling on it which is owned by Brian Brook. There is another house to the northeast owned by David Tatman, one adjacent to David Tatman and two other houses across the road. There are no livestock facilities in the area. The soil evaluation was reviewed. Limitations for septic systems, buildings and agricultural farm crops were all moderate. Mr. Waters' stated that no soil analysis had been done on this site by the engineering firm and a perc test would be performed at a later date. Mr. Waters' informed the members that this is a subdivision with one residential site only. The property is located 6 miles north of West Branch and 4 miles east. The West Branch Fire Department stated that they will provide service. It was noted that the Cedar Valley road is heavily traveled. There will be five homes within less than one-half mile. There is an existing lane which has been approved by the county engineer.

Chairperson Pruess then asked for comments from the audience. The first to speak was Bob Wright who owns ground 100' to the west. He stated that it is a heavily populated livestock area but not in confinement. He stated there are already a number of houses in the area and feels that the area is getting congested. He feels that the petitioner is taking out the best part of the farm. He also said that people complain about the smell and feels that they have more rights than the farmers. He stated that he has a lot of people who hunt his ground which is in CRP. He is also concerned about the heavily traveled road. Bert Brook, adjoining property owner to the east, expressed her concern about what it will lead to in the future and whether there will be more homes. Kelly Greer then spoke and stated that she was told at the last meeting when Brooks' got their rezoning passed, that there would be no more splits off the farm. She stated concern about hunters and livestock. She stated that there are complaints about the existing road and that some people want the road paved. She then stated that some of them are against that. Lois Nelson, Bret Stout's wife, adjacent property owners to the south and east, then spoke about wanting space to live in the country. She stated that there is a large pond in the area and is concerned about liability issues, the road being traveled excessively and future rezonings in the area. She is also concerned about the hunters in the area and feels that their rights are being taken away. David Tatman, adjacent property owner, stated a safety concern about the road and is concerned about this leading to more houses in the future.

Glen Waters stated that, in speaking with Mr. La Rue initially on this proposed site, he was told that an application for zoning was a positive aspect for rezoning where a cluster of houses does exist. He felt that it is better for the Commission's goals and for police and fire protection. He stated that the prior petition for rezoning was the Brooks' subdivision in 1994. He stated that they were asked at that time if they had any additional plans to rezone any additional residential sites. They stated that they did not at that time. He then stated that they don't have plans to rezone any additional subdivisions or residential sites in this area. He was questioned if there was any way any additional houses could be placed there. Mr. Waters stated that it would take an extensive lane. Commission member Brown expressed concern about not being able to discharge firearms within 200 yards or permission of the property owner. Commission member Voparil stated that his main problem with this rezoning is the gravel road which he feels is about to it's maximum use. The members stated that for every house, there are seven vehicle passes each day. Chairperson Pruess stated that in Mr. La Rue's comments, he did not see any major challenges for this petition. It was stated that there are two existing farmsteads, one new residence and five other houses in the area of which three

are seven or less years old. Brent Donohoe, adjoining property owner to the west, stated his concern about cattle and big equipment. He also expressed concern about dust and more traffic on the road. The Commission felt that there were same valid concerns raised.

After further discussion, Joel Brown made a motion to deny the rezoning request based upon safety concerns, not a designated area for development , providing services and the cost to the county. Kurtis Voparil seconded the motion stating that he believes the gravel road has reached its saturation point until at such time the road is paved. Ayes all. Chairperson Pruess informed the Waters' that the Planning and Zoning Commission is the sounding board and that the Board of Supervisors have the final authority. He stated that the Board of Supervisors can keep the Commission's recommendation or they can change it and informed the Waters' that everyone will be notified again. *At that time, Gary Stout, Kelly Greer and Brent and Deb Donohoe requested that they be sent notification of the Board of Supervisors hearing.

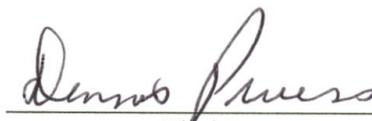
3. **Keith Owens, RFD, Wilton (Owner)** – Requesting a change in zoning from C-1 Local Commercial to R-1 Suburban Residential for the purpose of allowing construction of a single family dwelling on property located in the NE ¼ of the SE ¼, Section 36, T-79N, R-2W, in Sugar Creek Township, consisting of 1.36 acres more or less.

There were no written or verbal objections on file for this petition. Keith and Mark Owens were present and explained to the members that they were requesting the change in zoning from C-1 to R-1 so that Mark could build a home on the property. He stated that there is no other commercial property surrounding this property. He stated that it is on a hard surfaced road and there is already an existing entrance. The letter from the County Engineer stated the existing entrance was to provide access for only one residence. He informed the members that the land has never been farmed. He stated that there should be no problem with a sewer system. It was noted that there is a high water table in the area. Mark Owens stated that there is a draw which goes through the property but they plan to re-grade and some field tiling will be done hooking up to existing tiling. The property is approximately one-half mile north of Wilton. The Owens' were questioned whether the town of Wilton would need to approve the rezoning. Keith Owens stated that they will do a boundary line adjustment and therefore, would not need the City of Wilton's approval. Keith Owens stated that there will be approximately 1.75 acres when the boundary line adjustment is done. There are no livestock operations in the area and fire and rescue protection has been approved. It was noted that there may be some groundwater challenges for septic system drainage. Keith Owens feels that when

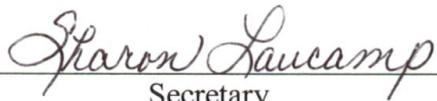
the area is re-graded, it will not affect any neighbors. He stated that they will curb tile and anything else to do it right. Albert Walton, adjoining property owner, then stated his concern about the water drainage. He stated that it enters his field 50 feet from the corner of his lane. He feels that if the drainage is channeled to the north, it will make his lane wet. Keith Owens stated that more tiling will be done so he believes there will be less water cutting through Mr. Walton's property. The soil inventory was then discussed. Limitations for building are moderate to severe. Limitations for septic tank disposal fields are moderate to severe. Keith Owens stated that he feels there will be no problem with the septic installation. He again stated that they will do everything they can to eliminate any drainage problem. It was noted that one tile goes through the corner of Mr. Walton's field. They will make a swell to control the surface water. Mr. Owens suggested that maybe the county could re-shape the ditch. Mr. Walton questioned the setback requirements. The Commission informed him that this would fall under Phil La Rue's jurisdiction.

After further discussion, Dave Schuett made a motion to recommend a change in zoning from C-1 to R-1 to the Board of Supervisors. Voparil seconded the motion. Ayes all

With no further business to be discussed at this time, the meeting was adjourned.



Dennis Pmess
Chairperson



Sharon Laucamp
Secretary

* The people requesting a legal notice to be sent to them are more than 500 feet away from the boundary of the area proposed to be rezoned.



Tel: 563-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR
Cedar County Courthouse

Tipton, Iowa 52772

AGENDA

Cedar County Planning & Zoning Commission

Wednesday, January 19, 2005 – **6:30 p.m.**

Basement, Cedar County Courthouse, Tipton, Iowa

I. Introduction

- A. Introduction of new Commission member,
Larry Quinn, RFD, Lowden

II. Review of the petitions received from:

- A. Edgewood Land Co., RFD, West Branch (Owners) –
A change in zoning from A-1 to R-1 to allow construction
of single family dwellings on a proposed two lot subdivision
- B. Edgewood Land Co., RFD, West Branch (Owners) –
A change in zoning from A-1 to R-1 to allow construction
of a single family dwelling on a proposed one lot subdivision
- C. Keith Owens, RFD, Wilton (Owner) – A change in zoning
from C-1 to R-1 to allow construction of a single family
dwelling

III. Conclusion

**Reminder: I will not be at the Commission meeting
due to surgery on January 13, 2005**

PDL



Tel: 563-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR
Cedar County Courthouse

Tipton, Iowa 52772

January 10, 2005

LEGAL NOTICE

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, January 19, 2005, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa.

At this time, the Commission will consider the following petitions:

- 1. Edgewood Land Co., RFD, West Branch (Owners)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of single family dwellings on a proposed two (2) lot subdivision located in the SW ¼ of the SE ¼, Section 30, T-79N, R-4W, in Springdale Township. Said petition is to rezone a total of 2.00 acres of a 3.84 acre subdivision.
- 2. Edgewood Land Co., RFD, West Branch (Owners)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of a single family dwelling on a proposed one (1) lot subdivision located in the SW ¼ of the SE ¼, Section 15, T-80N, R-4W, in Gower Township. Said petition is to rezone a total of 1.00 acre of a 4.74 acre subdivision.
- 3. Keith Owens, RFD, Wilton (Owner)** – Requesting a change in zoning from C-1 Local Commercial to R-1 Suburban Residential for the purpose of allowing construction of a single family dwelling on property located in the NE ¼ of the SE ¼, Section 36, T-79N, R-2W, in Sugar Creek Township, consisting of 1.36 acres more or less.

At said Public Hearing, any person present, and so wishing, will be given the opportunity to be heard, for or against, said petitions. Any person so wishing may file a document with the Cedar County Zoning Administrator prior to the time of the hearing should the person wish the document to be read for them at the time of the hearing.

Phil La Rue
Zoning Administrator

Copies sent out on 1/12/05 to the following:

1. Edgewood Land Company - % Lyle Waters, 143 Buckeye Road, West Branch, Iowa - Certified
2. Bryan & Bertha Brook - 361 250th Street, West Branch, Iowa 52358
3. David & Le Ann Tatman - 369 250th Street, West Branch, Iowa 52358
4. Gerald & Blanche Stout - 1924 Highway 38, Tipton, Iowa 52772
5. Robert & Judy Wright - 1434 Plato Road, West Branch, Iowa 52358

1. Edgewood Land Company - % Lyle Waters, 143 Buckeye Road, West Branch, Iowa - Certified
2. Paula Secrest Griffin - 55 330th Street, West Branch, Iowa 52358
3. Fobian Farms, Inc. - 3639 Oasis Rd. NE, West Branch, Iowa 52358
4. Eleanor Secrest - 2303 Baker Avenue, West Branch, Iowa 52358
5. Ronald & Donna Hillis - P.O. Box 611, West Branch, Iowa 52358
6. Robert Berkenpas & Pamela Seaton - 75 330th Street, West Branch, Iowa 52358
7. Randy, Rebecca & Bryan Oaks - 2277 Adams Street, West Branch, Iowa 52358
8. Albert & Delores Wagner - 53 330th Street, West Branch, Iowa 52358

1. Keith & Lois Owens - P.O. Box 995, Wilton, Iowa 52778 - Certified
2. W-G Realty, Inc. - 3113 Marigold Trail, Norman OK 73072
3. Rolland Moeller - 2348 Spicer, P.O. Box 521, Wilton, Iowa 52778
4. Kristine Ann Emery/Phyllis Ann Dahlgren Trust - P.O. Box 2457, Lake Ozark, MO 65049
5. Albert & Carole Walton - 2342 Highway 38, Wilton, Iowa 52778
6. Donald & Judy Ohrt - 2355 Spicer Avenue, Wilton, Iowa 52778
7. James McKiddy - 2357 Spicer Avenue, Wilton, Iowa 52778
8. Henry Warner - 2359 Spicer Avenue, Wilton, Iowa 52778

Copy to Tipton Conservative, West Branch Times & Wilton/Durant Advocate News on 1/10/05
7 Zoning Commission Members
2 File Copies
Bulletin Board Copy



Tel: 563-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR
Cedar County Courthouse

Tipton, Iowa 52772

January 12, 2005

Larry Quinn
1978 195th Street
Lowden, Iowa 52255

Dear Larry:

I am writing this letter in response to you being appointed to the Cedar County Planning and Zoning Commission by the Cedar County Board of Supervisors. Your willingness to serve on the Commission is appreciated.

Enclosed, please find copies of the following:

1. Legal notice and agenda for the upcoming Zoning Commission meeting on January 19, 2005
2. Cedar County Zoning and Subdivision Ordinances
3. Cedar County Comprehensive Plan (1980-2000)
4. Proposed draft goals and objectives for the new Comprehensive Plan
5. Data on zoning and construction in Cedar County
6. Information on Iowa land and needs, urban sprawl and preserving rural character
7. Land use series of handouts
8. List of the Commission members

This information should provide you a wealth of information about being a zoning commissioner and work that is underway on the Comprehensive Plan. The Cedar County Zoning staff has been working hard with Jim Gonyier, East Central Intergovernmental Agency (E.C.I.A.) on the development of a useful and practical Comprehensive Plan and policies. The goal is to have clear policies and goals for the many land use issues in Cedar County in order to avoid zoning conflicts and allow consistencies in the planning process. In the coming months, amendments to the Zoning and Subdivision Ordinances will be proposed by the Commission to the Board of Supervisors to support the policies and goals of the revised Comprehensive Plan.

If you have any questions about these materials or about serving on the Planning and Zoning Commission, please do not hesitate to call.

At this time, I will not be attending the meeting on the 19th as I am having surgery on the 13th, but Sharon Laucamp, my administrative assistant, will be attending.

Sincerely,



Phil La Rue
Zoning Administrator

PL:sl

Encls.

CEDAR COUNTY BOARD OF SUPERVISORS
Cedar County Courthouse
400 Cedar Street
Tipton, Iowa 52772-1750
Telephone: 563-886-3168
Fax: 563-886-3339
E-Mail: bos@cedarcounty.org

COPY

January 3, 2005

Joel Brown
342 Delta Avenue
Mechanicsville, Iowa 52306

Dear Mr. Brown:

Please be advised, that by motion of this Board on January 3, 2005, you were appointed to another three-year term on the Zoning Board. The term will expire 12-31-2007. Your willingness to serve on this Board is greatly appreciated.

Sincerely,



Dennis Boedeker, Chairperson

DB:bjp

CEDAR COUNTY BOARD OF SUPERVISORS
Cedar County Courthouse
400 Cedar Street
Tipton, Iowa 52772-1750
Telephone: 563-886-3168
Fax: 563-886-3339
E-Mail: bos@cedarcounty.org

COPY

January 3, 2005

Kurtis Voparil
82 – 210th Street
Solon, Iowa 52333

Dear Mr. Voparil:

Please be advised, that by motion of this Board on January 3, 2005, you were appointed to another three-year term on the Zoning Board. The term will expire 12-31-2007. Your willingness to serve on this Board is greatly appreciated.

Sincerely,



Dennis Boedeker
Dennis Boedeker, Chairperson

DB:bjp

CEDAR COUNTY BOARD OF SUPERVISORS
Cedar County Courthouse
400 Cedar Street
Tipton, Iowa 52772-1750
Telephone: 563-886-3168
Fax: 563-886-3339
E-Mail: bos@cedarcounty.org

COPY

January 3, 2005

Larry Quinn
1978 – 195th Street
Lowden, Iowa 52255

Dear Larry:

Please be advised, that by motion of this Board on January 3, 2005, you were appointed to a three-year term on the Zoning Board. The term will expire 12-31-2007. Your willingness to serve on this Board is greatly appreciated.

Sincerely,



Dennis Boedeker, Chairperson

DB:bjp